

JOURNAL  
OF  
THE SENATE  
OF THE  
STATE OF ALABAMA,  
SESSION OF 1874 5,  
HELD IN THE  
CITY OF MONTGOMERY,  
COMMENCING NOVEMBER 16,1871.

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WITH AN INDEX,  
PREPARED BY THE SECRETARY OF STATE.

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MONTGOMERY, ALABAMA:  
W. W. SCREWS, STATE PRINTER.

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1875.

## JOURNAL.

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### STATE CAPITOL OF ALABAMA. MONTGOMERY, Nov. 16th, 1874.

This being the third Monday in November, the day fixed by law for the annual meeting of the General Assembly of the State of Alabama, the Senate was called to order by the Lieutenant Governor, Alexander McKinstry.

On motion of Mr. Little, the present officers were retained as the temporary officers of the Senate.

On motion of Mr. Hamilton, the credentials of new Senators were referred to a special committee, consisting of Messrs. Hamilton, Little and Dereen.

On a call of the roll, the following Senators answered to their names :

Messrs. Black, Carmichael, Cobb, Coleman, Cooper, Cunningham, Curtis, Dereen, Edwards, Farden, Glass, Grayson, Green, Hamilton, Haralson, Harris of Lee, Harris of Russell, Inzer, Jones, Little, Martin, Miller, Moore, Parks, Robinson, Royal, Snodgrass, Terrell and Walton : 29.

On motion of Mr. Cooper, the Senate adjourned until twelve o'clock to-morrow.

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### TUESDAY, November 17th, 1874.

The Senate met pursuant to adjournment.

On a call of the roll the following members answered to their names :

Messrs. Carmichael, Cobb, Coleman, Cooper, Cunningham, Curtis, Dereen, Edwards, Ervin, Farden, Glass, Green, Grayson, Hamilton, Harralson, Harris of Lee, Harris of Russell, Inzer, Jones, Little, Martin, Miller, Moore, Parks, Robinson, Royal, Snodgrass, Terrell and Walton : 29.

Mr. Hamilton, from the special committee to which was referred the credentials of parties claiming the right to fill the vacancies in the Senate, which have occurred since the last adjournment, respectfully report that

Mr. J. B. Moore, of Colbert county, holds the certificate of the Secretary of State that he has been constitutionally elected Senator for the second district.

Mr. John W. Inzer, of St. Clair county, holds the like certificate of his election for the seventh district.

Mr. John T. Harris, of Lee county, holds the like certificate of his election for the thirteenth district.

Mr. W. G. M. Golson, of Autauga county, holds the like certificate of his election for the eighteenth district.

Mr. J. A. Farden, of Montgomery county, holds the like certificate of his election for the nineteenth district.

Said certificates of election conform to the requirements of the statute, and no objection has been presented to the claim of either of said parties.

Your committee therefore report that the gentlemen above named are entitled to take their seats as Senators for their respective districts upon taking the oath required by the constitution of the State.

The report was concurred in.

The Senators named then took the oath of office as required by the the constitution, which was administered by Judge Brickell.

Mr. Parks offered the following resolution, which was adopted :

Resolved, That for the purpose of a permanent organization, and in furtherance thereof, the Senate do now proceed to the election of a secretary, assistant secretary and door-keeper.

Those who voted yea on the adoption of the resolution are—

Messrs. Carmichael, Cobb, Coleman, Cooper, Edwards, Ervin, Golson, Grayson, Hamilton, Haralson, Harris of Lee, Harris of Russell, Little, Martin, Moore, Parks, Robinson, Snodgrass, Terrell and Walton : 22.

Those who voted nay are—

Messrs. Black, Curtis, Dereen, Farden, Glass, Jones, Miller and Royal : 8.

The Senate then proceeded to the election of a secretary.

Mr. Parks nominated S. B. Brewer, of Montgomery, who having received the whole vote cast (namely, thirty votes) was declared to be qualified and entered upon the discharge of his duties.

Mr. Robinson nominated W. V. Chardevoyne, of Lawrence, who having received the whole vote cast, (twenty-nine) was

declared duly elected assistant secretary ; was qualified and entered on the discharge of his duties.

Mr. Terrell nominated Patrick Doran, of Montgomery county, for door-keeper.

Mr. Pardon nominated Robt. Clark, of Elmore.

Mr. Cobb withdrew the name of Mr. Clark.

Those who voted for Mr. Doran are—

Messrs. Black, Carmichael, Cobb, Coleman, Cooper, Cunningham, Edwards, Ervin, Farden, Grayson, Hamilton, Harris of Lee, Harris of Russell, Inzer, Little, Martin, Miller, Moore, Parks, Robinson, Snodgrass, Terrell and Walton : 23.

Those who voted for Mr. Clark are—

Messrs. Curtis, Glass, Golson, Haralson, Jones and Royal : 6.

Mr. Doran having received a majority of whole vote cast was declared duly elected door-keeper, was qualified, and entered on the discharge of his duties.

Mr. Dereen offered the following resolution, which was adopted :

Resolved, That the secretary be and is hereby directed to notify the House of Representatives that the Senate is organized by the election of Sam'l B. Brewer, of Montgomery, as secretatry, W. V. Chardevoyne, of Lawrence, as assistant secretary, and Patrick Doran, of Montgomery, as door-keeper, and is ready to proceed to the transaction of business.

On motion of Mr. Robinson, a committee of three, consisting of Messrs. Robinson, Cooper and Coleman were appointed to confer with the clergymen of this city, and request them to open the sessions of the Senate with prayer.

Message from the House, by Mr. Garrett :

Mr. President :

I am instructed by the House to inform the Senate that the House has been organized by the election of the following officers :

D. C. Anderson, Speaker.

Ellis Phelan, Clerk.

C. D. Whitman, Assistant Clerk.

Elmore Garrett, Engrossing Clerk.

Jack Cooockc, Door-keeper.

And is now ready to proceed to business.

ELLIS PHELAN,  
Clerk.

Mr. Ervin offered the following resolution :

Resolved by the Senate, the House of Representatives concurring,  
That a commettee of three be appointed to act with a like

committee on the part of the House, to inform the Executive that a quorum of each branch has assembled, that they are duly organized to proceed with the public business, and are ready to receive any communication he may make to them.

The resolution was adopted, and Messrs. Ervin, Harris of Russell, and Hamilton were appointed said committee.

Mr. Cobb introduced a bill

S. B. 1. To authorize and empower James P. Allen, as administrator of the estate of Blassingame Nabors, deceased, to sell the real estate belonging to said estate at private or public sale, without an order of court.

The bill was read the first and second time under a suspension of the constitutional rule, and referred to a special committee consisting of Messrs. Carmichael, Cooper and Snodgrass.

Mr. Farden offered the following resolution, which was adopted :

Resolved, That the Secretary be instructed to furnish each Senator with a copy of the Revised Code of Alabama, and all the Acts from 1869 to the present time, for their use during the session of the Senate.

#### MESSAGE FROM THE HOUSE

by Mr. Whitman :

Mr. President :

The House has adopted the joint resolution of the Senate in regard to the appointment of a joint committee to wait upon His Excellency, the Governor. Committee on the part of the House : Messrs. Barnett, Beirne and Herman.

Mr. Miller introduced a bill

S. B. 2. To levy a special tax in the city of Greenville ;

Which was read the first and second times under a suspension of the constitutional rule, and referred to the committee on municipal and county organizations.

#### MESSAGE FROM THE GOVERNOR

by Mr. Atkinson :

EXECUTIVE DEPARTMENT,  
STATE OF ALABAMA,  
MONTGOMERY, November, 1874.

To the Senate and House of Representatives  
of the State of Alabama :

GENTLEMEN :—No preparation is so fitting for the proper

discharge of the important duties for which you have assembled in your annual session, as an humble thankfulness to God for his kind supervision, during the past year. Our beloved State has been free from pestilence, floods, and extensive disaster to labor, and from financial convulsions, which threw such a gloom over us twelve months since. And it is sincerely hoped that causes are operating which may avert calamities which the apprehensions of some deemed imminent.

The operations of the financial department of the State in her present crippled condition are so simple, and are so clearly shown in the report of the Auditor, and the Treasurer, accompanying this message, that a recapitulation of their contents is deemed unnecessary by me. It is proper to state, however, in this connection, that the amount stated in the Treasurer's report as total receipts for the year is exclusive of the amount set apart for common school purposes, which by the act approved April 19th, 1873, entitled "an act to keep in each county in this State a proportionate share of the public school money," is paid by the Tax Collector to the Treasurer of each county respectively, and not passing into the State Treasury, does not appear upon the books of that department.

During my administration, the act approved February 25, 1873, entitled "an act to maintain the credit of Alabama," authorized the issuing and negotiation of one and one-half million of bonds of the State, for the liquidation of the existing indebtedness of the State. The 5th section of this act provides "that no bonds other than those therein authorized and those yet unsold of the issue of December 15, 1871, shall be issued or sold for the liquidation of the present indebtedness of the State or for any other purpose, unless ordered by subsequent legislation."

My special message of February 3, 1873, in response to which this act was passed, informed the General Assembly, that no bonds had been, or would be issued by me under the act of the General Assembly approved December 21, 1872, entitled "an act to maintain the credit of Alabama," for reasons well known.

Of the bonds issued under the act approved 25th February, 1873, one hundred and eighty-five have been sold to pay debts, owing by the State on liabilities contracted by my predecessor in office. The State has now bonds of the issues of 1872 and 1873, to the amount of one million seven hundred thousand dollars, in the hands of the following depositaries; Henry Clews & Co. of the city of New York, the sum of six hundred and fifty thousand dollars; Gindrat & Bailey, as as-

signees in bankruptcy of the Alabama and Chattanooga Railroad, Montgomery, Alabama, the sum of two hundred and seventy thousand dollars ; New York Guarantee and Indemnity Company, New York city, the sum of one hundred and thirty thousand dollars ; and in the hands of Josiah Morris, Montgomery, Alabama, the sum of six hundred and fifty thousand dollars. These bonds are held for money advanced or owing by the State of Alabama, to these several depositaries, except the bonds held by Josiah Morris. These last are held by him to be delivered to the trustees of the bondholders of the Alabama and Chattanooga Railroad on compliance of Adua Balch and associates with the terms of a contract entered into by them, with the State of Alabama for the sale and purchase of certain rights and property of the State in the said railroad. In the event of non-compliance of said Balch and associates with the said contracts the trusts on which said bonds are held cease, and their custody remitted to the State. No bonds have been issued by me under the act approved 17th March, 1873, entitled "an act to provide for the prompt payment of the sums now authorized by law for the support of the indigent and insane of the Alabama Insane Hospital, and for the maintenance of the Deaf, Dumb and Blind Asylum."

No arrangements having been completed for the annexation of West Florida to the State of Alabama, with the assent of the State of Florida, under the provisions of an act of the General Assembly approved 27th March, 1873, the bonds authorized by that act have not been issued.

Under the act to authorize the purchase of lands and mules for the State of Alabama, to be used in connection with the penitentiary, approved the 29th March, 1873, bonds of the State to the amount of fifty thousand dollars have been issued to Thomas Williams for the purposes contemplated by that act in accordance with the terms and peculiar provisions of the same.

Under the act of the General Assembly entitled "an act to provide for the funding of the domestic debt of the State, approved December the 19th, 1873, obligations of the State of Alabama to the amount of one million of dollars of the kind and denominations authorized by said act have been issued, signed and certified into the treasury of the State, on which the semi-annual interest has been paid, as provided in said act.

#### PENITENTIARY.

The condition of the inmates of the penitentiary, confined within the walls, is satisfactory. Every care and comfort are

extended to them consistent with the security necessary and proper in their penal confinement. The reports connected with the workings of the institution will be laid before you with this message.

#### INSANE ASYLUM.

The Insane Asylum is in unexceptionably good condition. It is full of inmates, and more room is needed to meet the applications made for admission.

#### CURRENCY.

Our depreciated currency is a great draw-back to all the functions of the State Government.

The servants of the State are made to bear a loss that is onerous to them, while this loss in no respect exonerates the treasury. The fluctuations of the currency are not sought to be diminished by speculators, as their profits depend on the margin of the same. But the worst feature connected with this depreciated currency is that as the bulk of the State tax is collected in the same, there is a standing temptation for officials who collect and handle the same, to deal illegally or wrongfully with it to their profit, and to the diminution of the receipt of legal tenders in the treasury, and to speculation on the tax-payers.

How carefully so ever a law may be guarded, experience shows that the purity of the administration of the laws is best secured by the most careful avoidance of opportunity and temptation to commit wrong.

#### UNIVERSITY AT TUSCALOOSA.

While our public school system does not seem by a full efficiency to meet the wants of public instruction, it is gratifying to find that the University of Tuscaloosa promises a speedy rejuvenation and enlargement of the sphere of beneficent influence. The large increase of pupils on its rolls is most gratifying as an indication that it will soon become a cherishing mother of classical and scientific learning. It is well worth the care of the General Assembly to study how its prosperity and efficiency can be augmented. Institutions of learning of a high order demand, above all things, stability, as well as wisdom in their management, and that their efficiency within the intended sphere of their operations be not cramped by an ill-judged parsimony.



## CODE OF ALABAMA.

Under the provisions of an act approved 12th of December, 1873, entitled "an act to codify and revise the statute laws of Alabama of a general and public nature," I appointed Messrs. Walter Crenshaw, John T. Minnis and John White, as the commissioners to perform the duty. Their work has been completed, and I have the honor to lay the same before your honorable body, together with their report thereon. The examination which I have been able to give the same, has not been so thorough as I desire. There seems to be a full, careful and laborious compliance by the commissioners with the directions of the act. I recommend its careful consideration by the General Assembly, and the adoption of the same. As the statute laws are the subject of changes at each session of the Legislature, the question under this act is to obtain a faithful copy of the public and general acts in existence, arranged and codified in pursuance of the provisions of the act, leaving imperfection in the law for correction by subsequent legislation.

In accordance with the directions of the 8th section of the act in question, I recommend that the commissioners be allowed the sum of three thousand dollars each as a compensation for their labor. The depreciated currency in which they are paid renders this, in my judgment, a reasonable compensation for the painful and careful labor which none but learned lawyers could properly perform.

I have the honor to submit to you a communication from the treasury department of the United States, asking the passage of a general law by you, ceding the United States jurisdiction in all cases of sites of light-houses and other aids to navigation, built on submerged foundation, and where the land under the water is owned by the State, providing for the cession to the United States of the land also. The form of a law, supposed to cover all such cases, accompanies the communication. The same is herewith respectfully submitted to your consideration and action.

The present condition of the Alabama and Chattanooga Railroad, is of the greatest importance to the credit of our State, as her liability for the endorsed debt of that corporation, is the only obstacle to the resumption of the payment of interest on our debt. The liability of the State, as endorser, under the acts of the General Assembly of Alabama, for \$4,720,000 of the bonds of that corporation, has never been questioned by any department of the State. On that liability the State paid, during the administration of my immediate predecessor, in interest, the sum of about eight hun-

dred and thirty-four thousand dollars, (\$834,000.00) and there are now in arrears, the sum of nine hundred and forty-four thousand dollars, (\$944,000) as interest, and it is believed that this is short by one hundred and ten thousand dollars (\$110,000). The State also become responsible for the sum of three hundred and twelve thousand dollars, (\$312,000) as purchase money, bid by Governor Lindsay at bankrupt sale, and has paid large sums as fees to attorneys. One hundred and forty thousand dollars have been paid to the employees of the road under the receivership of the State, when first seized by Governor Lindsay. Besides, there are quite a number of suits now pending against the State for damages to person and property happening during the holding of the road by that receiver.

On the 30th day of May, 1872, the trustees of the holders of the first mortgage bonds filed their bills on the chancery side of the circuit court of the United States held in Mobile, representing and being the only parties who can in a court of chancery represent the said bondholders, on which said court by decree authorized receivers therein appointed to issue certificates to the amount of one million two hundred thousand dollars, to be used in repairing and equipping said railroad in order to prevent its deterioration and ultimate total loss, which said certificates by said decree are declared to be a prior lien to the first mortgage bonds endorsed by the State. It does not yet appear what amount of said certificates have been used by said receivers ; but it is well known that the condition of said road was not thereby improved.

By a decree of August 24, 1874, in the same court, the said road was placed in the hands of the trustees of the holders of the first mortgage bonds of said road, who now control and manage the same under the said decree.

The South & North Alabama Railroad has complied with the act of the General Assembly approved April 21st, 1873, and has surrendered her endorsed bonds to the amount of three million six hundred and thirty- five thousand dollars (\$3,635,000), and received from the State bonds to the amount of three hundred and forty-one thousand dollars (\$341,000), under said act of the legislature.

The Savannah & Memphis Railroad has made no default in payment of her interest and has completed twenty miles of additional road, for the examination of which commissioners have been appointed, but have not yet reported.

The other railroads for which the State has endorsed bonds are in default in the payment of interest on their bonds, and those which are incomplete are doing nothing in the construction of their roads.

It is to be hoped that the impatience and restiveness of many of our people, under the operation of reconstruction, will abate into patriotic submission to law. It is believed that this reluctant recognition of the national authority does not penetrate the hearts of the masses. They naturally desire peace and quiet that they may reap the fruition of labor and thrift, in the education and comfort of their families. This disaffection is cherished and pronounced by a class of political speculators, who imagine that profit may be developed from alarm and chaos. The good sense and benevolent courage of the masses of the people, in demanding a cessation of these alarms, which are as unprofitable as they are unpatriotic, constitute the only remedy for this chronic evil.

A calm retrospect of the acts of the political leaders of the State rights party in the South for the last fourteen years, show that they have only brought disappointment to their adherents and disaster on the whole country ; and every effort to build up what they term the rights of the State, has only consolidated and crystalized the national authority.

The war which they inaugurated, because of embarrassments to the asserted right of carrying slavery into the territories, caused in the order of Providence, its destruction in the States. Their persistent refusal to accept the results of the appeal to arms, manifested in their repugnance to the amendments of the Constitution of the United States, seriatim ; the unjust and ill-judged legislation of several of the States regulating labor-contracts and vagrancy ; and the associational hostility to the rights of citizens, have all resulted in the exercise of national authority, both legislative and judicial, which the situation naturally suggested as essential to vindicate the paramount law of the land. While we may naturally regret that these issues, with their attendant disasters, were thrust upon this generation, we yet have just reason to rejoice that the national authority has been vindicated, and that our country is exempt from the tedious career of chaos and carnage which the strifes of Lacedæmon and Attica, in Greece, and the civil strifes of states in other confederacies, exhibit in struggles for the mastery of power. While the full establishment of the national authority places us above all fear from foreign hostility, it is at the same time the palladium of the liberty and rights of the citizen.

In conclusion, I beg to assure the General Assembly of my sincere desire that wisdom, patriotism and moderation may characterize their deliberations, and that the State may be crowned with the highest prosperity.

DAIVD P. LEWIS. Governor.

Mr. Farden moved that 1500 copies of the message be printed for the use the Senate.

On motion of Mr. Parks the further consideration of the message was postponed until Wednesday the 25th instant, and made the special order for 12 o'clock, M.

On motion of Mr. Parks the Senate adjourned till 11 o'clock to-morrow morning.

WEDNESDAY, November 18, 1874.

The Senate met pursuant to adjournment.

Prayer by Rev. Dr. E. Wadsworth.

On a call of the roll the following Senators answered to their names:

Messrs. Carmichael, Cobb, Coleman, Cooper, Cunningham, Curtis, Doreen, Driesbach, Edwards, Ervin, Glass, Grayson, Hamilton, Haralson, Harris of Lee, Harris of Russell, Inzer, Jones, Little, Martin, Miller, Moore, Parks, Robinson, Royall, Snodgrass, Terrell and Walton—28.

The journal of the 16th and 17th instants was read and approved.

The Lieutenant Governor laid before the Senate the following communication:

SENATE CHAMBER, MONTGOMERY,  
November 18, 1874.

Senators :

I have this day addressed to the Speaker of the House of Representatives a note, of which the following is a copy :

EXECUTIVE DEPARTMENT, MONTGOMERY,  
November 18th, 1874.

"Hon. D. C. Anderson, Speaker of the  
House of Representatives of Alabama :

"SIR—In pursuance to Section 3d, Article V, of the Constitution of Alabama, I shall open and publish the returns of the election for Governor, &c., on Friday, at 12, M., November 20, 1874.

" Please notify the House of Representatives that the General Assembly, or a majority of the members thereof, may be present.

"My term of office will terminate at 12, M., on Tuesday, November 25th.

Very respectfully,  
ALEX. MCKINSTRY,  
Lt. Governor of Ala."

I desire to call your attention to the matter, that you may act accordingly.

Very respectfully,  
 ALEX. MCKINSTRY,  
 Lt. Gov. of Ala.

### CALL OF THE DISTRICTS.

Bills were introduced :

By Mr. Coleman—

S. B. 3. To repeal an act entitled “ An act to authorize the publication of the laws of Alabama,” approved October 18th, 1868, and an act entitled “An act to amend the same,” approved December 19th, 1871.

By Mr. Hamilton—

S. B. 4. To regulate the election of municipal officers in the city of Mobile.

Also,

S. B. 5. To regulate the election of Justices of the peace and constables in the city of Mobile.

Which were severally read the first, second and third times, under a suspension of the constitutional rule, passed, and ordered forthwith to the House, without being engrossed.

By Mr. Grayson—

S. B. 6. To repeal an act entitled, An act to regulate the confinement and discharge of persons charged with misdemeanors, approved December 17th, 1873.

Also,

S. B. 7. For the relief of Louisa J. Vincent, wife of William C. Vincent, of Madison county, Alabama.

By Mr. Terrell—

S. B. 8. To amend section 3707 of the Revised Code of Alabama.

By Mr. Dereen—

S. B. 9. To amend section 3555 of the Revised Code of Alabama.

By Mr. Hamilton—

S. B. 10. To amend section 2984 of the Revised Code of Alabama.

By Mr. Parks—

S. B. 11. To more effectually punish the crime of larceny.

By Mr. Carmichael—

S. B. 12. To amend section 675 of the Revised Code of Alabama.

Also,

S. B. 13. To amend section 687 of the Revised Code of Alabama.

Also,

S. B. 14. To amend section 669 of the Revised Code of Alabama.

Also,

S. B. 15. To amend section 718 of the Revised Code of Alabama.

Also,

S. B. 16. To amend section 761 of the Revised Code of Alabama.

Also,

S. B. 17. To prescribe and regulate the fees of certain officers in the county of Dale.

By Mr. Coleman—

S. B. 18. To repeal an act entitled An act to regulate the confinement and discharge of persons charged with misdemeanors, approved December 17th, 1873.

Which were severally read the first and second times, under a suspension of the constitutional rule, and referred to the judiciary committee.

By Mr. Grayson—

S. B. 19. To amend section 3706 of the Revised Code of Alabama.

Which was read the first and second times, under a suspension of the constitutional rule.

Mr. Martin moved to amend by inserting the words “ or hogs,” after the word “mule,” in the nineteenth line of section one.

Mr. Haralson moved to amend by inserting the word “ dog,” in the same line.

On motion of Mr. Grayson the last amendment was laid on the table.

Mr. Terrell offered a substitute for the bill and proposed amendment.

Mr. Carmichael moved to amend the substitute by inserting the word “ twenty,” in lieu of the word “ten,” where it occurs in the twentieth line of section one.

On motion of Mr. Parks the bill, substitute and amendments were referred to the judiciary committee.

Mr. Cobb, by leave, offered the following resolution, which was adopted :

Resolved, by the Senate, the House of Representatives concurring, That the members of the General Assembly will attend the presiding officer of the Senate, in the Hall of the House of Representatives, on Friday, the 20th inst., at 12 o'clock, M., to witness the opening and publishing the returns of the last general election of the executive officers of the State.

Mr. Terrell introduced a bill—

S. B. 20. To reduce, or contract and cancel the obligations of this State, issued pursuant to an act entitled "An act to provide for the funding of the domestic debt of this State," approved 19th December, 1873.

Which was read the first and second times, under a suspension of the constitutional rule, and referred to the committee on finance.

Also, a bill, with a petition—

S. B. 21. To amend section one of an act entitled "An act to prohibit the sale of spirituous or vinous liquors within one mile of Camp Hill church in Tallapoosa county."

Which was read the first and second times, under a suspension of the constitutional rule, and referred to the committee on local Legislation.

Bills were introduced ;

By Mr. Little—

S. B. 22. To prohibit judges of the probate courts of this State from appointing certain persons therein named as guardians ad litem.

Also,

S. B. 23. To amend section 2421 of the Revised Code of Alabama.

By Mr. Hamilton—

S. B. 24. To ratify and confirm an election for five commissioners of revenue in Mobile county, held in November, A. D., 1874, and defining their term of office.

By Mr. Parks—

S. B. 25. To amend section two of an act entitled "An act to regulate property exempted from sale for the payment of debts," approved April 23d, 1873.

Which were severally read the first, second and third time, under a suspension of the constitutional rule, and passed.

By Mr. Hamilton—

S. B. 26. To provide for and regulate the taxation of insurance companies doing business in this State.

Which was read the first and second times, under a suspension of the constitutional rule, and referred to the committee on federal relations.

By Mr. Parks, with a petition—

S. B. 27. To change the county line between the counties of Montgomery and Pike.

Which was read the first and second times, under a suspension of the constitutional rule, and referred to the committee on municipal and county organizations.

By Mr. Carmichael—

S. B. 28. To punish persons for a reckless use of firearms.

Which was read the first and second times, under a suspension of the constitutional rule.

Mr. Farden moved to amend by inserting the words "one thousand " in lieu of " fifty," where it occurs in the last line of the bill.

The bill and proposed amendment were referred to the judiciary committee.

By Mr. Carmichael—

S. B. 29. To create and provide for the punishment of the crime of seduction.

Which was read the first and second times, under a suspension of the constitutional rule.

Mr. Terrell moved to amend by adding, " Provided, however, that no conviction can be had under the provisions of this act upon the evidence of such seduced young lady, unless her testimony be corroborated by the evidence of other witness or witness, or some circumstance convincing to a reasonable mind."

The bill and amendment were referred to the judiciary committee.

By Mr. Parks—

S. B. 30. To define and punish larceny after trust;

Which was read the first and second times, under a suspension of the constitutional rule.

Mr. Carmichael moved to strike out the word " fraudulently," in the sixth line of section one.

The bill and amendment were referred to the judiciary committee.

By Mr. Coleman —

S. B. 31. To abolish the criminal court for the county of Dallas, and to transfer all the causes therein pending, together with all the dockets papers and books of said criminal court to the circuit court of Dallas county, Alabama.

Which was read once and ordered to a second reading.

Mr. Dereen moved to adjourn until 11 o'clock tomorrow.

Lost.

Mr. Black introduced a bill—

S.B. 32. To amend section two of an act entitle "An act regulating the charges for the transportation of freight upon railroads within this State."

Which was read the first and second times, under a suspension of the constitutional rule, and referred to the committee on internal improvements.

Mr. Edwards offered the following resolution, which was adopted :



Resolved, That a committee of two on the part of the Senate, and three on the part of the House of Representatives, be appointed to look into and report upon the condition of the penitentiary and State agricultural farm, at as early a day as practicable.

On motion of Mr. Cobb, the Senate adjourned till 11 o'clock to-morrow.

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SENATE CHAMBER, Thursday, Nov. 19, 1874.

The Senate met pursuant to adjournment.

Prayer by Rev. Dr. E. Wadsworth.

On a call of the roll, the following senators answered to their names :

Messrs. Black, Carmichael, Cobb, Coleman, Cooper, Cunningham, Curtis, Dereen, Dreisbach, Edwards, Ervin, Glass, Golson, Grayson, Hamilton, Haralson, Harris of Lee, Harris of Russell, Jones, Little, Martin, Moore, Parks, Robinson, Royall, Snodgrass, Terrell and Walton—28.

The journal of yesterday was read and corrected.

The President appointed Messrs. Edwards and Parks as the committee on the part of the Senate to look into and report upon the condition of the penitentiary and State agricultural farm.

Mr. Harris, of Russell, offered the following joint resolution, which was adopted :

Resolved, by the Senate of Alabama, the House of Representatives concurring, That a committee of three be appointed on the part of the Senate, to act with a like committee on the part of the House of Representatives, of such number as said House sees fit to appoint, to make suitable arrangements for the inauguration of the Governor elect, on Tuesday next, the 24th day of November, 1874.

Messrs, Terrell, Harris of Russell, and Martin, were appointed said committee,

#### CALL OF THE DISTRICTS.

Bills were introduced:

By Mr. Moore—

S. B. 3S. For the relief of Mrs. Eliza S. Phinezy, wife of John T. Phinezy, of Lawrence County, Alabama.

By Mr. Grayson—

S. B. 34. For the relief of James W. Clark, of the county of Madison.

By Mr. Cooper—

S. B. 35. For the relief of Jas. H. Leath, of Cherokee county.

By Mr. Inzer—

S. B. 36. To require the Reporter of the decisions of the Supreme Court of this State to furnish a synopsis of the points decided by said court.

By Mr. Martin—

S. B. 37. To ratify the compromise of a certain chancery suit, to which the city of Tuscaloosa is a party, and to authorize the issue of city bonds for such purpose.

By Mr. Harris of Lee—

S. B. 38. To repeal an act entitled "An act to regulate the confinement and discharge of persons charged with misdemeanors," approved December 17, 1873.

By Mr. Curtis—

S. B. 39. For the protection of agricultural laborers.

By Mr. Little—

S. B. 40. To transfer the administration of the estates of William J. Van De Graaf and Juliette Van De Graaf from the county of Sumter, Alabama, to the county of Jefferson in the State of Kentucky.

By Mr. Dereen—

S. B. 41. To amend section 3620 of the Revised Code of Alabama.

By Mr. Hamilton—

S. B. 42. To regulate the trial of issues in the courts of chancery of this State.

Also,

S. B; 43. To provide for the trial of issues of facts, without a jury, in certain cases.

Also,

S. B. 44. To provide for the appointment of referees, for the trial of issues of fact.

By Mr. Parks—

S. B. 45. To repeal sections 1858, 1859 and 1860 of the Revised Code of Alabama.

Also,

S. B. 46. To define and limit the power of judges or other magistrates over fines assessed by juries in criminal cases.

Also,

S. B. 47. To authorize the appointment of special bailiffs, and to prescribe their duties and compensation ;

Which were severally read the first and second times, under a suspension of the constitutional rule, and referred to the Judiciary Committee.

By Mr. Inzer—

S. B. 48. To provide for good and sufficient bonds of county officers ;

Which was read the first and second times, under a suspension of the constitutional rule.

Mr. Haralson moved to amend by striking out the words "twelve tax payers" in the second line of section 2.

On motion of Mr. Terrell, the amendment was laid on the table.

The bill was referred to the Judiciary Committee.

By Mr. Inzer—

S. B. 49. To fix the salary of the marshal and librarian of the supreme court.

Also,

S. B. 50. To repeal "an act to allow the chief Justice of the supreme court of this State a secretary."

Also,

S. B. 51. Relating to the compensation of the clerk of the supreme court ;

Which were severally read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Finance.

By Mr. Martin—

S. B. 52. To amend an act entitled "an act to incorporate the city of Tuscaloosa," approved March .12, 1873 ;

Which was read the first, second and third times, under a suspension of the constitutional rule, passed, and ordered forthwith to the House without being engrossed.

By Mr. Walton—

S. B. 53. To regulate the publication of legal notices in the county of Choctaw ;

Which was read the first, second and third times, under a suspension of the constitutional rule, and passed.

By Mr. Hamilton—

S. B. 54. To amend the following sections in the Revised Code of Alabama, to-wit : Sections numbered 3614, 3515, 3517, 3518, 3520, 3521, 4333, 4336, 4337, 4838, 4339, 4340, 4341, 4342, 4363, 2730, 2960, 3527.

By Mr. Cooper, with a petition—

S. B. 55. To prohibit the sale of vinous, spirituous, or other intoxicating liquors, within the corporate limits of the town of Gadsden in this State, or within five miles of said corporate limits ;

Which were severally read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Municipal and County Organizations.

By Mr. Parks—

S. B. 56. To regulate the manner of holding the circuit courts of the State ;

Which was read the first and second times, under a suspension of the constitutional rule, and referred to a special committee, consisting of Messrs. Parks, Hamilton, Cobb, Moore and Dereen

Also, a joint resolution---

S. B. 57. Proposing amendments to the Constitution of the State of Alabama ;

Which was read the first time and ordered to a second reading.

By Mr. Cobb—

S. B. 58. To repeal an act entitled "an act to provide for the funding of the domestic debt of the State ;"

Which was read the first and second times, under a suspension of the constitutional rule, and referred to the Finance Committee.

Mr. Carmichael, from the Special Committee, to which was referred the bill—

S. B. 1. To authorize and empower James P. Allen, as administrator of the estate of Blassingame Nabors, deceased, to sell the real estate belonging to said estate, at private or public sale, without an order of court,

Reported it back to the Senate, and recommended its reference to the Judiciary Committee, with instructions as to the expediency of passing a general law covering such cases.

The Senate refused to concur in the report of the committee.

The bill was read the third time, under a suspension of the constitutional rule, and passed—yeas 20, nays 8.

Those who voted yea are—

Messrs. Cobb, Cooper, Cunningham, Curtis, Dereen, Dreisbach, Ervin, Farden, Glass, Grayson, Haralson, Harris of Lee, Inzer, Little, Martin, Miller, Parks, Snodgrass, Terrell and Walton—20.

Those who voted nay are—

Messrs. Carmichael, Coleman, Edwards, Golson, Hamilton, Harris of Russell, Moore and Robinson—8.

Mr. Terrell introduced a bill—

S. B. 59. To amend section 15 of an act entitled " an act to provide for the funding the domestic debt of the State;"

Which was read the first and second times, under a suspension of the constitutional rule.

Mr. Farden moved to lay the bill on the table, and print one hundred and fifty copies ;

The motion was tabled, and the bill was referred to the Finance Committee.

Mr. Haralson moved to adjourn till eleven o'clock to-morrow. Lost—yeas 10, nays 18.

Those who voted yea are—

Messrs. Dereen, Ervin, Farden, Glass, Golson, Haralson, Harris of Russell, Royal, Snodgrass and Walton—10.

Those who voted nay are—

Messrs. Carmichael, Cobb, Coleman, Cooper, Cunningham, Curtis, Driesbach, Edwards, Grayson, Hamilton, Harris of Len, Inzer, Little, Martin, Moore, Parks, Robinson and Terrell—18.

Mr. Coleman moved to take up the orders of the day.

Mr. Farden moved to lay the motion on the table. Lost—yeas 5, nays 23.

Those who voted yea are—

Messrs. Curtis, Farden, Glass, Haralson and Royal—5.

Those who voted nay are—

Messrs. Carmichael, Cobb, Coleman, Cooper, Cunningham, Dereen, Driesbach, Edwards, Ervin, Golson, Grayson, Hamilton, Harris of Lee, Harris of Russell, Inzer, Little, Martin, Moore, Parks, Robinson, Snodgrass, Terrell and Walton—23.

Mr. Haralson moved to adjourn until eleven o'clock to-morrow. Lost.

The orders of the day were taken up.

The bill—

S. B. 31. To abolish the criminal court for the county of Dallas ; and to transfer all the causes therein pending, together with all the dockets, papers and books of said criminal court to the circuit court of Dallas county, Alabama, was read the second time.

Mr. Haralson moved to commit the bill to the Judiciary Committee.

On motion of Mr. Terrell, the motion was tabled.

Mr. Haralson moved to adjourn till eleven o'clock to-morrow. Lost.

On motion of Mr. Cooper, the bill was referred to a select committee, consisting of Messrs. Cooper, Cobb, Haralson, Coleman and Curtis.

On motion of Mr. Haralson the Senate adjourned till eleven o'clock to-morrow morning.

FRIDAY, November 20, 1874.

The Senate met pursuant to adjournment.  
Prayer by Rev. Dr. E. Wadsworth.  
The Journal of yesterday was read and approved.

#### MESSAGE FROM THE HOUSE

By Mr. Phelan :

Mr. President :

The House has concurred in Senate joint resolutions in relation to the two Houses assembling in the Hall of the House at 12 m. Friday, the 20th instant to witness the opening and publishing of the vote for executive officers.

And also, in the Senate joint resolution, appointing a committee of two from the Senate and three from the House, to report on the condition of the Penitentiary and State Agricultural Farm.

Committee on the part of the House, Messrs. Green, of Lee, Fielder and Mitchell.

ELLIS PHELAN,  
Clerk.

James K. Green presented his certificate of election, as Senator from the 23d District, and was qualified.

#### CALL OF THE DISTRICTS.

Bills were introduced ;

By Mr. Coleman ;

S. B. 60. To repeal an act entitled " an act to prevent the wanton destruction of fish in Madison, Marshall and Limestone counties," approved February 1st, 1872, and an act entitled " an act to prevent the wanton destruction of fish in this State," approved April 21st, 1873 ;

Which was read the first, second and third times under a suspension of the constitutional rule, and passed.

By Mr. Moore,

S. B. 61. To repeal an act entitled "an act to authorize the several counties and towns and cities of the State of Alabama, to subscribe to the capital stock of such railroads throughout the State as they may consider most conducive to their respective interests."

By Mr. Martin;

S. B. 62. To authorize suits to be brought againts private

corporations in any county in this State, where they make contracts ;

Which was severally read the 1st and 2d times under a suspension of the constitutional rule, and referred to the Committee on Internal Improvements.

By Mr. Moore ;

S. B. 63. To fix the time of holding the annual sessions of the General Assembly.

By Mr. Snodgrass ;

S. B. 64. To amend section 1080 of the Revised Code of Alabama.

By Mr. Cooper—

S. B. 65. To authorize the corporate authorities of the town of Gadsden to exhume and re-inter the bodies of deceased persons, as in this act shown ;

Which were severally read the 1st and 2d times under a suspension of the constitutional rule and referred to the Judiciary Committee.

By Mr. Moore—

S. B. 66. To fix the compensation and pay of members of the General Assembly.

By Mr. Inzer—

S.B. 67. To repeal section seventy- three of the Revised Code of the State of Alabama.

By Mr. Cunningham—

S. B. 68. Supplemental to and amendatory of " an act to provide for the support of the Freedman's Hospital, located near the city of Talladega, Alabama," approved December 16th, 1873 ;

Which were severally read the first and second times under a suspension of the constitutional rule, and referred to Committee on Finance.

By Mr. Harris, of Lee—

S. B. 69. To change the time of holding the circuit courts of Lee and Russell counties ;

Which was read the first and second times under a suspension of the constitutional rule, and referred to a special committee of five, composed of Messrs. Harris of Lee, Harris of Russell, Robinson, Terrell and Glass.

The Senate took a recess until 12 o'clock.

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At 12 o'clock, m., the Senate was called to order, and proceeded to the Hall of the House of Representatives, to witness, in joint convention with the House, the opening and publishing of the votes cast at the election on the 2d instant, for the Executive officers of the State of Alabama.

## JOINT CONTENTION.

The joint convention was called to order by Lieutenant Governor Alexander McKinstry, President of the Senate, who stated the object of the convention to be that of witnessing the opening and publishing of the votes recently cast for executive officers.

The roll being called the following members answered to their names:

Messrs. Black, Carmichael, Cobb, Coleman, Cooper, Cunningham, Curtis, Dereen, Dreisbach, Edwards, Ervin, Farden, Glass, Golson, Grayson, Green, Hamilton, Haralson, Harris of Lee, Harris of Russell, Inzer, Jones, Little, Martin, Moore, Parks, Robinson, Royal, Snodgrass, Terrell and Walton, of the Senate—31.

Messrs. Speaker, Allen, Aldridge, Baker, Barton, Bell, Blevins, Bozeman, Bonner, Betts, Beirne, Brewer, Barnett, Boyd, Billups, Bliss, Bennett, Brown, Bruce, Baldwin, Brantley, Cashin, Cook, Coon, Cockrell, Clements, Davis, Dixon, Daniels, Dillons, Edwards, Franklin, Fielder, Fagan, Fariss, Grant, Gachet, Gulledge, Green of Jefferson, Green of Lee, Gardner, Gaskin, Gilmer of Lawrence, Gilmer of Montgomery, Gibson, Harris of Chambers, Harris of Perry, Harris of Dallas, Higgins, Herman, Hamilton, Huey, Heaton, Holloway, Jones, Johnson, Kimmey, Kirkland, Leslie, Lee, Lewis, Matthews, Martin, Maples, Mitchell, Merriwether, Nelson, Odom, Patterson, Powell, Purcell, Price, Rosseau, Ross, Rice Rabby, Reed, Simms, Smith of Bullock, Smith of Franklin, Stephens, Shepard, Stallworth, St. John, Stribbling, Townsend, Tate, Troup, Williams, Witherspoon, Wood of Marengo, Wood of Talladega, Woolfe, Wilson, and Wharton on the part of the House—95.

Mr. McKinstry then opened and published by counties, separately, the votes cast for Governor, Lieutenant Governor, Secretary of State, Attorney General, and State Treasurer, as follows ;



GOVERNOR.      LIEUTENANT  
GOVERNOR.      SECRETARY OF STATE      ATTORNEY GENERAL      STATE TREAS-  
URER.  
COUNTIES

David P  
Lewis George. S.  
Houston      Alexander  
McKinstry.      Bobt. F.  
Ligon. Neander H.  
Rice.                      Rufus K.  
Boyd.              George  
Turner.      John W. A. Sanford.      Arthur  
Bingham.              Daniel  
Crawford.

Autauga.....  
Baldwin.....  
Baker.....  
Barbour.....  
Bibb.....  
Blount.....  
Bullock.....  
Butler.....  
Calhoun.....  
Chambers.....  
Cherokee.....  
Choctaw.....  
Clarke.....  
Clay.....  
Cleburne.....  
Coffee.....  
Conecuh..... 1648818  
243  
2671  
449  
254  
2503  
1469  
477  
1540  
133  
986  
1304  
312  
409  
84  
1000 778  
769  
894  
2771  
1089

1693  
1584  
2191  
2291  
2186  
1909  
1421  
1399  
1219  
948  
1128  
1086 1647  
817  
242  
2672  
449  
247  
2506  
1469  
484  
1542  
133  
986  
1266  
311  
410  
82  
995 778  
767  
890  
2770  
1091  
1688  
1582  
2191 2292 2186 1908  
1420 1398  
1217  
949  
1128 1086 1648 817 243 2670 448 244  
2507  
1469 484  
1542 128 985 1285 311  
411 83 996 777  
767  
842  
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1128            1086    1648  
  815    234 266    448            244            250            146            484            154            127            986  
128            308            412            83            994    77            767            894            277            109            169  
158            2188 2292 2185 1909 1417 1398 1213 944 1128 1086 1647  
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  234  
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  447    244 2508  
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  127  
  986  
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  308  
  411  
83  
  94            777  
  767  
  893  
2772  
  1061  
  1694  
1584  
  2191  
  2292  
  2185  
  1909  
  1412  
1398  
  1214  
  945  
  1128  
  1086

Colbert.....  
 Coosa.....  
 Covington.....  
 Crenshaw.....  
 Dale.....  
 Dallas.....  
 DeKalb.....  
 Etowah.....  
 Elmore.....  
 Escambia.....  
 Fayette.....  
 Franklin.....  
 Greene.....  
 Geneva.....  
 Hale.....  
 Henry.....  
 Jackson.....  
 Jefferson.....  
 Lauderdale.....  
 Lawrence.....  
 Lee.....  
 Limestone.....Lowndes.....Macon.....Madison.....

Marengo.....  
 Marion..... 1020  
 949  
 61  
 382  
 363  
 6819  
 599  
 315  
 1481  
 316  
 326  
 349  
 3139  
 12  
 3489  
 736  
 779  
 860  
 1160  
 1618  
 1120  
 1511  
 4150  
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382 358  
6819  
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341  
3137  
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1808

858

GOVERNOR.      LIEUTENANT  
GOVERNOR.      SECRETARY OF STATE      ATTORNEY GENERAL      STATE TREAS-  
URER.  
COUNTIES

David P.  
Lewis Geo. S.  
Houston Alexander  
McKinstry.      Robt. F.  
Ligon. Neander  
H. Rice.      Rufus K.  
Boyd.      Geo.  
Turner.      John W.  
A. Sanford.      Arthur  
Bingham.      Daniel  
Crawford.  
Marshall.....  
Mobile.....  
Monroe.....Montgomery.....  
Morgan.....  
Perry.....  
Pickens.....  
Pike.....  
Randolph.....  
Russell.....  
Sanford.....  
St. Clair.....  
Shelby.....  
Sumter.....  
Talladega.....  
Tallapoosa.....  
Tuskaloosa.....      259  
4764  
986  
6210  
1113  
3834  
1177  
727  
1000  
2625  
258  
621  
966  
3305  
2137  
918  
1577      1364  
6491  
1320  
3291

1635  
1428  
1938  
2377  
1300  
1964  
1037  
1073  
1609  
1690  
1877  
2964  
2239 252  
4776  
986  
6199  
1084  
3834  
1175  
727  
1002  
2626  
254  
615  
966  
3303  
2136  
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1578 1362  
6480  
1320  
3299  
1655  
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1937  
2377  
1295  
1964  
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1608  
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2210 243  
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610  
965  
3303  
2129  
916  
1572 1347  
6500  
1320  
3302  
1656  
1426  
1937  
2377  
1297  
1964  
1036  
1076  
1608  
1692  
1849  
2958  
2208

Walker .....  
Washington.....  
Wilcox.....  
Winston..... 506

65  
3634  
386 871  
579  
1508  
293

416

65  
3632  
349

826

579  
1502  
276

484

65  
3632  
391

830

579  
1510  
273

488

65  
3632  
389

842

579  
1510  
268

475

65  
2632  
390

821

578  
1510  
273

Total .....	93928	107118	93532	107079	93612	106882	93493	10 6 923
93455	106 929							

Mr. McKinstry announced the vote as follows :

For Governor—David P. Lewis, 93 928 votes ; Geo. S. Houston, 107,118 votes.

For Lieutenant Governor—Alex. McKinstry, 93,532 votes ; Robt. F. Ligon, 107,079 votes.

For Secretary of State— Neander H. Rice, 93,612 votes ; Rufus K. Boyd, 106,882 votes.

For Attorney General—Geo. Turner, 93,493 votes ; Jno. W. A. Sanford, 100,923 votes.

For State Treasurer—Arthur Bingham, 93,455 votes; Dan' l. Crawford, 106,929 votes.

Mr. McKinstry announced that George S. Houston having received a majority of all the votes cast for Governor of the State of Alabama, was duly and constitutionally elected Governor for the term prescribed by law.

That Robt. F. Ligon, having received a majority of all the votes cast for Lieutenant Governor, was constitutionally elected to that office for the term prescribed by law.

That Rufus K. Boyd having received a majority of all the votes cast for Secretary of State, was constitutionally elected to that office for the term prescribed by law.

That John W. A. Sanford having received a majority of all the votes cast for the office of Attorney General, was constitutionally elected to that office for the term prescribed by law.

That Daniel Crawford having received a majority of all the votes cast for State Treasurer, was constitutionally elected to that office for the term prescribed by law.

The Senate then returned to its chamber, and adjourned until 11 o'clock to-morrow.

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SATURDAY, November 21st, 1874.

The Senate met pursuant to adjournment.

The Lieutenant Governor being absent,

On motion of Mr Cooper, Mr. Martin was requested to preside over the Senate temporarily.

Prayer by the Rev. Dr. E. Wadsworth.

On a call of the roll the following Senators answered to their names :

Messrs. Black, Carmichael, Coleman, Cooper, Cunningham, Curtis, Dereen, Dreisbach, Edwards, Ervin, Glass, Grayson, Green, Hamilton, Harris of Lee, Harris of Russell, Inzer,



Jones, Little, Martin, Moore, Parks, Robinson, Snodgrass, Terrell and Walton—26.

The journal of yesterday was read and approved.

### MESSAGE FROM THE HOUSE

By Mr. Garrett:

Mr. President :

The House has concurred in the Senate resolution in relation to the appointment of a committee of three from each House to make arrangements for the inauguration of the Governor elect.

Committee on the part of the House—Messrs. Clements, Brewer and Bruce.

ELLIS PHELAN,  
Clerk.

Mr. Robinson, by leave, offered a resolution, which was adopted and ordered forthwith to the House :

Resolved, by the Senate, the House of Representatives concurring, That both Houses of this General Assembly shall meet in joint convention in the Hall of the House of Representatives, on Wednesday, the 9th day of December, 1874, at twelve o'clock, M., for the purpose of going into the election of a State Printer.

### CALL OF THE DISTRICTS.

Bills were introduced,

By Mr. Dereen—

S. B. 70. To regulate the retailing of vinous and spirituous liquors, and to authorize the right of petition against such sales.

By Mr. Inzer—

S. B. 71. To authorize probate judges to order elections in certain cases, to prevent the sale or giving away of vinous or spirituous liquors in this State;

Which was severally read the first, and second times, under a suspension of the constitutional rule, and referred to a special committee composed of Messrs. Terrell, Dereen and Cooper.

By Mr. Hamilton—

S. B. 72. To amend the ninth section of an act entitled

"An act to incorporate the Battle House Company of Mobile," approved December 16, 1851.

By Mr. Robinson—

S. B. 73. To fix the compensation of the State printer.

Which were severally read the first, second and third times, under a suspension of the constitutional rule, and passed, and were ordered forthwith to the House, without being engrossed.

By Mr. Parks—

S. B. 74. For the relief of the city of Troy ;

Which was read the first and second times, under a suspension of the constitutional rule, and referred to a special committee composed of Messrs. Parks, Harris of Russell, and Harris of Lee.

By Mr. Parks—

S. B. 75. To make county warrants receivable in payment of county taxes ;

Which was read the first and second times, under a suspension of the constitutional rule.

Mr. Haralson moved to amend by inserting the words "jury certificates, "after the word "warrants," in the seventh line of section one.

The bill and amendment were referred to the committee on finance.

By Mr. Carmichael—

S. B. 76. To amend section eighty of an act entitled "An act to establish revenue laws for the State of Alabama," approved December 31st, 1868 ;

Which was read the first and second times, under a suspension of the constitutional rule, and referred to the committee on finance.

By Mr. Coleman—

S. B. 77. To amend sections 3706 and 3707 of the Revised Code of Alabama.

By Mr. Cooper—

S. B. 78. To define the duties of druggists in this State, as to the sale of vinous, spirituous or intoxicating liquors, and to impose penalties for their non-observance.

Also,

S. B. 79. To provide for a change of venue in certain cases.

By Mr. Inzer—

S. B. 80. To repeal an act entitled "An act to suppress murder, lynching, and assaults and batteries," approved December 28, 1868.

Also,

S. B. 81. To amend section sixteen of an act, approved August 12, 1868, entitled " An act for the government of the bureau of industrial resources."

By Mr. Cunningham—

S. B. 82. To repeal section 4087 of the Revised Code, and enact a section in lieu thereof.

Also,

S. B. 83. To provide for the administration of the criminal law by the suspension of solicitors, and the appointment of solicitors pro tem., when necessary.

Also,

S. B. 84. To compel probate judges, circuit clerks and sheriffs to perform the duties required by law in drawing and summoning grand, petit, tales and special jurors.

Also,

S. B. 85. To repeal an act approved December 3, 1868, to amend section 4063 of the Revised Code of the State of Alabama.

Which were severally read the first and second times, under a suspension of the constitutional rule, and referred to the judiciary committee.

By Mr. Coleman—

S. B. 86. To repeal an act entitled "An act relating to the term of office of the several tax collectors in this State, approved December 17th, 1873, so far as it applies to Lauderdale county ;

Which was read the first and second times, under a suspension of the constitutional rule.

Mr. Haralson moved to amend by making it applicable to Dallas county.

The bill and amendment were referred to a special committee, consisting of Messrs. Coleman, Moore and Edwards.

By Mr. Moore—

S. B. 87. To amend an act entitled "An act to incorporate the town of Leighton, in the counties of Lawrence and Colbert " ;

Which was read the first and second times, under a suspension of the constitutional rule, and referred to the committee on municipal and county organizations.

By Mr. Robinson—

S. B. 88. For the benefit of the Roanoke Male and Female College ;

Which was read the first and second times, under a suspension of the constitutional rule, and referred to the committee on education.

By Mr. Farden—

S. B. 89. To exempt Arthur C. Walker, of Montgomery county, Alabama, from paying any license for practising the profession of dentistry ;

Which was read the first, second and third times, under a suspension of the constitutional rule, and passed.

Mr. Farden, by leave, offered the following resolution :

Resolved, by the Senate, the House of Representatives concurring, That a committee of three shall be appointed by the President of the Senate, and three by the Speaker of the House, to examine the offices of the Auditor, Treasurer and Superintendent of Public Instruction, as provided by the Revised Code of Alabama.

On motion of Mr. Little, it was laid on the table.

Mr. Harris, of Lee, from the special committee, reported favorably to the bill,

S. B. 69. To change the time of holding the circuit courts of Lee and Russell counties ;

Which was read the third time, under a suspension of the constitutional rule, and passed.

By virtue of the provisions of section forty of the Revised Code of Alabama, the President pro tempore appointed on the committee provided for by said section, Messrs. Ervin, Inzer and Carmichael.

On motion of Mr. Robinson, the Senate adjourned till 12 o'clock Monday morning.

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MONDAY, November 23, 1874.

The Senate met pursuant to adjournment.

On motion of Mr. Cooper, Mr. Martin was requested to act as President pro tem., the Lieut. Governor being absent.

Prayer by Rev. Dr. Burgett, of Mobile.

On a call of the roll, the following senators answered to their names :

Messrs. Carmichael, Cobb, Coleman, Cooper, Cunningham, Curtis, Dereen, Driesbach, Edwards, Ervin, Glass, Golson, Grayson, Green, Hamilton, Haralson, Harris of Lee, Harris of Russell, Inzer, Jones, Leftwitch, Little, Martin, Parks, Robinson, Royal, Snodgrass, Terrell and Walton—29.

Message from the House by Mr. Garrett :

Mr. President :

The House has originated and passed the following bills:

H. B. 31. To amend "An act to regulate the session and

practice of the Circuit Court of Clarke county," approved March 11, 1873.

H. B. 32. To amend "An act to fix the time of holding the chancery court for the first district of the western division of Alabama," approved February 1, 1872.

ELLIS PHELAN, Clerk.

On motion of Mr. Hamilton, indefinite leave of absence was granted Mr. Moore, on account of bereavement in his family.

#### CALL OF THE DISTRICTS.

Bills were introduced :

By Mr. Grayson—

S. B. 90. To amend subdivision nine, of section three, of "An act to establish revenue laws for the State of Alabama," approved December 31, 1868.

Also,

S. B. 91. To amend section forty-one of "An act to establish revenue laws for the State of Alabama," approved December 31, 1868.

By Mr. Robinson—

S. B. 92. To regulate the sale of proprietary compounds and patent medicines in this State.

Also,

S. B. 93. To repeal section thirteen of an act entitled "An act for the government of the bureau of industrial resources," approved August 12, 1868.

By Mr. Walton—

S. B. 94. To repeal an act entitled "An act to regulate the fees of the judges of probate of Clarke county."

Which were severally read the first and second times, under a suspension of the constitutional rule, and referred to the committee on finance.

By Mr. Snodgrass, with a petition—

S. B. 95. To change and define the line between the counties of De Kalb and Cherokee.

By Mr. Ervin—

S. B. 96. To amend section eleven of an act entitled "An act to incorporate the Dadeville Masonic Female Seminary," approved February 3, 1852.

Which were severally read the first and second times, under a suspension of the constitutional rule, and referred to the committee on municipal and county organizations.

By Mr. Robinson—

S. B. 97. To fix the salary of the commissioner of industrial resources.

By Mr. Golson—

S. B. 98. To regulate the discharge of persons charged with the offense of petit larceny.

Also,

S. B. 99. To protect the raising of stock in this State.

By Mr. Little—

S. B. 100. To create a lien in favor of employers of agricultural laborers.

Also,

S. B. 101. To prevent the wrongful disposing of agricultural products and other personal property.

Also,

S. B. 102. To amend section 2136 of the Revised Code of Alabama.

Also,

S. B. 103. For the appointment of commissioners to liquidate claims against the State, arising from bonds issued and endorsed in the name of the State of Alabama.

By Mr. Dereen—

S. B. 104. To amend an act entitled “An act to regulate the trial of attachment cases,” approved December 17, 1873.

By Mr. Ervin—

S. B. 105. To provide for holding special terms of the circuit court.

Which were severally read the first and second times, under a suspension of the constitutional rule, and referred to the judiciary committee.

By Mr. Little—

S. B. 106. To reduce and fix the fees and commissions of tax assessors and tax collectors in Lowndes county.

Which was read the first time and the rule was suspended to give it a second reading.

Mr. Jones moved to indefinitely postpone the further consideration of the bill.

The President decided the motion out of order, the constitutional rule having been suspended to give the bill a second reading forthwith.

Mr. Farden appealed from the decision of the chair, and called for the yeas and nays.

The decision of the chair was sustained. Ayes 25, noes 4.

Those who voted yea, are Messrs. Black, Carmichael, Cobb, Coleman, Cooper, Cunningham, Curtis, Dereen, Driesbach, Edwards, Ervin, Glass, Golson, Grayson, Green, Hamilton,

Haralson, Harris of Lee, Harris of Russell, Leftwitch, Little, Parks, Royal, Terrell and Walton—25.

Those who voted nay, are Messrs. Farden, Inzer, Jones and Snodgrass—4.

The bill was read the second time.

Mr. Jones moved to amend by striking out the word "Lowndes."

The bill and amendment were referred to a special committee, composed of Messrs. Little, Jones and Inzer.

By Mr. Little—

S. B. 107. To prohibit the sale, gift or barter of intoxicating liquors within four miles of Bethany Church and Colerine Academy in Lowndes county.

Which was read the first and second times, under a suspension of the constitutional rule, and referred to the same special committee.

By Mr. Carmichael—

S. B. 108. To regulate the jurisdiction of the county court and of justices of the peace in criminal cases, in Lowndes county.

Which was read the first and second times, under a suspension of the constitutional rule.

Mr. Jones moved to indefinitely postpone the further consideration of the bill.

Lost. Yeas 4, nays 23.

Those who voted yea are,

Messrs. Black, Farden, Golson and Jones—4.

Those who voted nay are,

Messrs. Carmichael, Coleman, Cooper, Cunningham, Curtis, Dereen, Driesbach, Edwards, Ervin, Grayson, Green, Hamilton, Harris of Lee, Harris of Russell, Inzer, Little, Martin, Parks, Robinson, Royall, Snodgrass, Terrell and Walton—23.

Mr. Jones moved to amend by striking out the word "Lowndes."

The bill and amendment were referred to the same special committee.

By Mr. Carmichael—

S. B. 109. To provide for the preparation and the preservation of record books, in the offices of the judge of probate, register in chancery, sheriff and clerk of the circuit court of the county of Lowndes.

Which was read the first and second times, under a suspension of the constitutional rule.

Mr. Jones moved to amend by striking out the word "Lowndes."

The bill and amendment were referred to the same committee.

By Mr. Walton—

S. B. 110. To repeal an act entitled “An act to regulate the compensation of members of the commissioners court of Clarke county.

Which was read the first and second times, tunder a suspension of the constitutional rule, and referred to the committee on finance.

Mr. Hamilton offered the following joint resolutions, which were adopted and ordered forthwith to the House :

Resolved (1st.) by the Senate, the House of Representatives concurring therein, That a joint committee consisting of three from the Senate and four from the House be appointed, whose duty it shall be to inquire into and report the character and extent of the present liability of the State on account of the endorsement of the bonds of the various railroad companies in this State—with authority to send for persons and papers, and to hear and receive testimony in reference thereto.

Resolved, (2d.) That said committee be authorized to ascertain and report some plan, if practicable, by which the State can close up its liabilities on account of its endorsement for railroad companies, and that said committee be authorized to report by bill or otherwise.

The committee on the part of the Senate are Messrs. Hamilton, Cobb and Parks.

Mr. Ervin introduced a bill—

S. B. 111. To repeal an act entitled “An act to require the county treasurer of Wilcox county to pay the fees of county officers in certain cases.”

Which was read the first, second and third times, under a suspension of the constitutional rule, and passed.

Message from the House, by Mr. Garret :

Mr. President :

The House has adopted the accompanying joint resolutions in regard to the observance of thanksgiving day.

ELLIS PHELAN, Clerk.

Mr. Parks, from the special committee, reported favorably to the bill—

S. B. 74. For the relief of the city of Troy.

The constitutional rule was suspended, the bill read the third time and passed,



Mr. Coleman, from the special committee, reported a substitute for the bill,

S. B. 86. To repeal an act entitled "An act relating to the term of office of the general tax collectors in this State," approved December 17, 1873, so far as the same relates to the county of Lauderdale.

The substitute was adopted, the constitutional rule was suspended, the bill read the third time and passed.

S. B. 86. To repeal an act entitled "an act relating to the term of office of the general tax collectors in this State," approved December 17, 1873, so far as the same relates to the counties of Lauderdale and Dallas.

Mr. Terrell, from the Joint Committee of the two Houses, appointed to confer with a like committee of citizens of the city of Montgomery, to make appropriate arrangements for the inauguration of His Excellency, George S. Houston, on Tuesday next, reported that they have performed the duties imposed on them, and recommend that the two Houses be in session at 12 o'clock m., on said day, and proceed in form to the foot of the steps of the Capitol building to receive the Governor elect."

The report was received and adopted.

On motion of Mr. Ervin, the Senate proceeded to the consideration of House messages.

The House bill—

H. B. 31. To amend an act entitled "an act to regulate the session and practice of the circuit court of Clarke county," approved March 11, 1873,

Was read the first and second times, under a suspension of the constitutional rule, and referred to the Judiciary Committee.

The House bill—

H. B. 32. To amend an act entitled "an act to fix the time of holding the chancery court for the first District of the Western Chancery Division of Alabama," approved February 1, 1872,

Was read the first and second times, under a suspension of the constitutional rule, and referred to a special committee, composed of Messrs. Dereen, Curtis, Green, Leftwitch, Little and Walton.

The House joint resolutions, fixing Thursday, the 26th day of November, 1874, as a day of prayer and thanksgiving, in pursuance of a proclamation of His Excellency, U. S. Grant, President of the United States,

Was taken up, and adopted.

On motion of Mr. Edwards, the Senate adjourned till, 10 o'clock to-morrow morning.

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TUESDAY, November 24, 1874.

The Senate met pursuant to adjournment.

On motion of Mr. Cooper, Mr. Martin was called to preside over the Senate, the Lieutenant Governor being absent.

The roll being called, twenty-four Senators answered to their names.

On motion of Mr. Little, the reading of the journal was postponed.

Indefinite leave of absence was granted Mr. Edwards, on account of sickness in his family.

On motion of Mr. Hamilton, the Senate took a recess till 11 o'clock.

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The hour of 11 o'clock having arrived, the Senate was called to order by Mr. Martin, President pro tem.

The President appointed Messrs. Cooper, Dereen, Hamilton and Ervin, a committee to wait on Hon. R. F. Ligon, the Lieutenant Governor elect, and conduct him to the President's stand.

Mr. Cooper, from said committee, reported that the duties of the Committee had been performed, and that Mr. Ligon was now ready to receive the oath of office.

The oath of office was then administered by Chief Justice Brickell, and, after appropriate remarks, Mr. Ligon assumed his duties as President of the Senate.

The Lieutenant Governor informed the Senate, that it was expected that he should take part in the inaugural ceremonies, and, in consequence, requested Mr. Martin to occupy the chair.

Mr. Parks offered the following resolution, which was adopted :

Resolved, by the Senate, That the Lieutenant Governor be authorized to appoint two pages and one messenger for the service of the Senate during the present session.

The two Houses proceeded to the front of the capitol, where they received Hon. George S. Houston, the Governor

elect of the State of Alabama, in accordance with the arrangements of the joint committee.

Prayer was offered by Rev. Dr. Petrie.

Hon. Geo. S. Houston was then inaugurated as Governor of Alabama, by having the oath of office administered by Judge Brickell of the Supreme Court.

After which, he delivered the following address:

Fellow Citizens :

In obedience to a long established custom, I appear before you to-day to take, in your presence, the official oath prescribed by the Constitution of the State of Alabama for her chief executive officer, and to assume the high and responsible duties of the exalted station, to which I have been called by the voice of her people.

Notwithstanding the years of experience in the public service, through which it has been my fortune to pass, I am free to confess more than mere distrust of my own ability, to discharge the many grave and responsible duties of the office into which I am now to be inducted. But with a firm determination to respect and maintain my oath of office, which shall be a seal to my conscience, I unhesitatingly undertake to perform such duties as it imposes, and I will regard it as one of my highest and most sacred obligations to see that the laws "are faithfully executed" and the rights of all citizens, "without regard to race, color, or previous condition," duly guarded and protected.

Let this occasion inspire the conviction that we live in a land of liberty, regulated by law, without which the citizen would have no security against domestic discord or violence ; and that our duty to preserve such laws, in their constitutional purity and power, should not and cannot be avoided.

We have just passed through an active and intensely earnest political contest ; and while it is both an honor and a pleasure to me to congratulate you and the country upon the glorious and decisive victory achieved by the good and true people of this once more proud and noble State, yet in our congratulations and rejoicing we should be controlled by a wise and patriotic sense of duty, both to the country at large and our own immediate fellow citizens.

Let us dismiss from our thoughts and forget whatever acrimony there may have been engendered by the severe conflict in which we have been so recently engaged, and draw from it only lessons of moderation and wisdom, which shall be exercised for the improvement of the present and for our

guidance in the future. We should understand our victory, and so employ it as to profit by its results. Our rejoicing should not be alone because of a triumph over a defeated adversary, but also because of the success of those great principles which we believe essential to the successful administration of good government ; and in the day of our gladness we must not forget our obligations and responsibilities to the State, imposed upon us by our success.

Alabama is embarrassed—her indebtedness is great, and her people are impoverished. Time will be necessary to correct errors of the past and establish confidence in the future. We must restore the credit of the State to its former high and honorable position—preserve inviolate her good faith, and at the same time protect her people against excessive, unjust and improper taxation. Wise legislation is required to accomplish these ends.

The expenses of the administration of our state Government should be reduced in such mode and to such extent as the wisdom of the legislators, in view of proper economy, may suggest. We will not have discharged the high trust committed to us by the people, if we fail to abolish every unnecessary office and prevent every unnecessary expense.

All the departments of the State Government are now to be placed in our hands, and it is eminently our duty to correct abuses, and introduce those necessary reforms, which, while they will give greater efficiency to the administration of the State Government, will at the same time curtail its expenses.

To you, Senators, and gentlemen of the House of Representatives, the country will rightfully look, and I trust not in vain, for that just and wise legislation without which the great interests of the State and her people will languish and become paralyzed. Such laws faithfully and properly enforced command the respect and confidence of the people, and give assurance that security and protection are to be afforded to all classes of our citizens.

In the attainment of these desirable ends I will regard it as my duty, as it will be my pleasure, cordially to co-operate with the legislative department of the State Government. In our complex system of Government, Federal and State, it sometimes occurs that powers not granted by the Constitution are claimed and exercised. Now, while it is not my purpose on this occasion to discuss questions of Federal policy or authority, yet as powers destructive of the liberties of the people, have been claimed and exercised by the use of the bayonet in a time of profound peace, I trust I may express

the confident hope that, as one of the fruits of the recent political revolution, our State has escaped the dangers that seemed to threaten her existence as a State of our common Union. We may certainly hope that by a proper and just administration of her State Government, avoiding on our part any claims of power to which we are not clearly entitled, thus giving no pretence for such dangerous usurpations, Alabama may not in the future have cause of apprehension, or grounds of complaint in this regard.

The preservation of the just rights of the States, as well as those of the Federal Government, is, in my judgment, essential to the maintenance of our Republican system of Constitutional Government; and every departure from these principles, established by our fathers, weakens the faith of the patriot and excites the fears of every friend of American freedom.

Alabama is destined, at a day not distant in the future, to become one of the most prosperous and wealthy States of the grand sisterhood. She has unbounded millions of wealth embedded in her mountains and her valleys, as well as in her agricultural fields of unsurpassed fertility, producing every variety of crop known to this latitude. The commercial, mechanical and other interests of her citizens, will, it is hoped, speedily emerge from the depression that has for a time retarded their prosperity.

Manufactories of all kinds are gradually building up in all parts of the State, which, turning to account this mineral wealth and increasing the value of our agricultural productions, must rapidly advance the State of Alabama to that high rank among the States to which her vast natural advantages entitle her.

Immigration and capital are necessary aids in the development of these different interests. These aids may be invited and encouraged by such prudent and wise legislation as will give just assurance that they will be properly respected and rightfully guarded.

The diffusion of knowledge amongst the people promotes their prosperity and happiness, as well as the success of the Government. The more universal and thorough their education the wiser and more permanent will be the Government. We should therefore give such encouragement to the education of the children of our State as may be consistent with her other duties and obligations.

Governments are made by the people to secure their happiness and to protect their rights, and it is the duty of those who may be selected to administer them, to do so with refer-

ence to the attainment of these ends. So far as it may be in my power, as the Governor of the State of Alabama, I shall regard it as a sacred duty, unceasingly, to use all proper means for the accomplishment of these grand purposes.

“With malice towards none, and charity for all,” the citizens of Alabama truly desire peace and a perfect restoration of fraternal relations between all sections of our common country. They are loyal to the Government of the United States, and will readily yield a cheerful obedience to its authority and laws; they only ask to be permitted, under the Constitution and laws of the country, to exercise, secure from unwarrantable interference, the right of governing themselves at home by a just and wisely exercised right of local self-government.

Fellow-citizens, I have thus briefly and imperfectly indicated the line of policy which I, as the chief executive officer of the State, will feel it my duty to pursue in the administration of the State Government.

It only remains for me to reassure you of my unalterable purpose, firmly and faithfully to discharge my duty towards all the people of the State; invoking in this behalf the aid of an All-Wise and kind Providence.

At the close of the inaugural ceremonies,

On motion of Mr. Hamilton, the Senate adjourned till 11 o'clock to-morrow.

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WEDNESDAY, November 25, 1874.

The Senate met pursuant to adjournment.

Prayer by Rev. Dr. Petrie.

On a call of the roll the following Senators answered to their names:

Messrs. Black, Carmichael, Cobb, Coleman, Cooper, Cunningham, Curtis, Dereen, Driesbach, Ervin, Grayson, Green, Hamilton, Haralson, Harris of Lee, Harris of Russell, Inzer, Jones, Leftwitch, Little, Martin, Parks, Robinson, Royall, Snodgrass, Terrell and Walton—27.

The journal of the 23d and 24th instants was read and corrected.

Mr. Hamilton offered the following resolution:

Resolved, That the committee of this Senate, on the Judiciary, shall consist of seven members, instead of five, as provided by the present rule.

The rule of the Senate, requiring amendments to the rules to lie over one day, was suspended, and the resolution was adopted forthwith.

Mr. Little offered the following preamble and resolutions, which were adopted :

WHEREAS, It has been alleged that lawlessness has prevailed, and crimes have been committed in Sumter county, during the present year, and within the past few months, and

Whereas, it has also been alleged, that United States officials have violated the rights of citizens of said county, by invading private houses, by arresting many without authority of law, or proper evidence upon which to base a charge; and by using their power and threats, so as to intimidate many citizens of said county, and prevent a fair election, and

Whereas, it is the paramount duty of Government to suppress lawlessness, and protect the rights of citizens, and

Whereas, it is the province of the State Government to protect her citizens in all their rights ; therefore,

Be it resolved by the Senate and House of Representatives, That a committee of three (one from the Senate and two from the House of Representatives), be appointed to inquire into and investigate the said charges and allegations.

2. Be it resolved, That said committee, when appointed, shall have power, and are hereby authorized, to send for persons and papers, to subpoena witnesses, and take their evidence, and for that purpose may go to the county of Sumter.

3. Be it further resolved, That said committee shall have the privilege of proceeding with said investigation during the sitting of the General Assembly, or during its recess ; and when they shall have completed said investigation, they shall make their report to the General Assembly, if in session, or to the next General Assembly the result of said investigation.

Committee on the part of the Senate, Mr. Little.

Leave of absence was granted to Mr. Glass for three days, and to Mr. Chardavoyne, Assistant Secretary, for three days.

Mr. Martin offered the following resolution, which was adopted:

Resolved, by the Senate, the House of Representatives concurring therein, That a committee of five from the Senate, and seven from the House, be appointed, whose duty it shall be to take into consideration the subject of redistricting the State of Alabama, so that there shall be eight, instead of six, congressional districts, as now provided by law, and that said committee be authorized to report the proper legislation required for the purpose, by bill or otherwise.

On motion of Mr. Grayson, the vote was reconsidered, by which the resolution was adopted.

Mr. Grayson moved to amend by making the committee on the part of the Senate consist of "one from each congressional district," and on the part of the House, of "one from each congressional district, and two from the State at large." The amendment was adopted, and the

Resolution as amended was adopted.

The committee on the part of the Senate consists of Messrs. Martin, Parks, Ervin, Grayson, Coleman and Robinson.

Mr. Walton offered the following resolution, which was adopted :

Resolved, That the Senate now go into the election of a President pro tempore, who shall transact the business and perform the duties of the Lieutenant Governor in his absence.

Nominations being in order for President pro tempore of the Senate,

Mr. Martin nominated Mr. Ervin.

The vote being taken, it was found that Mr. Ervin had received the whole vote cast, viz : 26.

Whereupon the Lieutenant Governor declared Mr. Ervin duly elected President pro tempore of the Senate for the ensuing term.

#### CALL OF THE DISTRICTS.

Bills were introduced :

By Mr. Grayson—

S. B. 112. To amend section 59 of "An act to establish revenue laws for the State of Alabama," approved December 31, 1868.

By Mr. Carmichael—

S. B. 113. For the relief of certain tax collectors therein named.

Which were severally read the first and second times, under a suspension of the constitutional rule, and referred to the committee on finance.

Mr. Snodgrass presented a petition from a large number of citizens of Lebanon, DeKalb county, asking relief from the evils resulting from the sale of intoxicating liquors.

Mr. Cooper presented a letter from the same place, on the same subject.

Also, a petition from the members of Bethel Baptist church, Cherokee county, on the same subject.

Also, a petition from citizens of Oxford, Alabama, on the same subject.



Which petitions, and letter, were referred to a special committee, composed of Messrs. Terrell, Dereen and Cooper, with instructions to report by bill or otherwise.

Also, memorial and bill—

S. B. 114. To prohibit the sale of vinous, spirituous or intoxicating liquors at or within five miles of any church, camp ground, or other place of public worship, at any place within the present limits of the Guntersville District of the North Alabama Conference of the M. E. Church South.

The bill was read the first and second times, under a suspension of the constitutional rule, and referred, with the memorial, to the same special committee.

Bills were introduced :

By Mr. Cooper—

S. B. 115. To authorize the corporate authorities of the town of Gadsden, in the county of Etowah, to change the corporate limits of said town as therein shown.

By Mr. Cobb—

S. B. 116. To amend an act entitled “ An act to incorporate the Alabama Oil and Mining Company.”

Which were severally read the first and second times, under a suspension of the constitutional rule, and referred to the committee on municipal and county organizations.

By Mr. Inzer—

S. B. 117. To provide for taking the census of the State of Alabama for the year 1875.

By Mr. Cunningham—

S. B. 118. To prohibit the manufacture, sale, or other disposition of spirituous, vinous or malt liquors or bitters, within two miles of Talladega Springs, located in the county of Talladega.

By Mr. Haralson—

S. B. 119. To raise a fund for the benefit of the fire companies in the city of Selma.

Which were severally read the first and second times, under a suspension of the constitutional rule, and referred to the committee on municipal and county organizations.

By Mr. Cobb—

S. B. 120. To prohibit judges and chancellors from practicing law.

Also,

S. B. 121. To repeal section five of an act entitled “An act to regulate sheriffs’ and coroners’ sales in the county of Shelby.

By Mr. Walton—

S. B. 122. To prohibit the sale or giving away of spiritu-

ous, vinous, or malt liquors in beat seven of the county of Choctaw.

Which were severally read the first, second and third times, under a suspension of the constitutional rule, and passed.

By Mr. Cobb—

S. B. 123. To repeal an act entitled “An act to regulate the publication of legal notices in the counties of Shelby, Walker, Baker, DeKalb, Cleburne, Marshall, Winston, Franklin, Coosa, Marion, Jefferson, St. Clair, Geneva, Covington, Bibb, Coffee, Dale and Lawrence.”

By Mr. Haralson—

S. B. 124. To prevent the holding of more than one office by any person.

By Mr. Curtis—

S. B. 125. To amend section 4405 of the Revised Code of Alabama.

By Mr. Hamilton—

S. B. 126. To amend section 3705 of the Revised Code of Alabama.

Also, with a memorial,

S. B. 127. For the relief of Joseph G. Neus, of the county of Mobile.

By Mr. Terrell—

S. B. 128. To amend section 1386 of the Revised Code of Alabama.

By Mr. Martin—

S. B. 129. In relation to official bonds.

By Mr. Parks—

S. B. 130. To remove the administration of the estate of William M. Johnson, deceased, from Bullock county to the county of Butler.

Which were severally read the first and second times, under a suspension of the constitutional rule, and referred to the judiciary committee.

By Mr. Carmichael—

S. B. 131. To amend section one of an act, approved March 27, 1873, entitled “An act in relation to the fine and forfeiture fund of Tuskaloosa county, and other counties therein named.”

Which was read the first and second times, under a suspension of the constitutional rule, and referred to the committee on local legislation.

The hour of 12 o'clock having arrived, the special order for that hour being the Governor's message,

On motion of Mr. Dereen, three hundred copies were ordered printed for the use of the Senate.

Mr. Parks offered the following resolution, which was adopted :

Resolved, by the Senate, the House of Representatives concurring, That a committee of four on the part of the Senate, and six from the House of Representatives, be appointed to examine and report upon that part of the Governor's message relating to the adoption and printing of the Revised Code.

On motion of Mr. Cobb, the vote adopting the resolution was reconsidered, and it was amended so as to make the joint committee consist of the committees on the judiciary and local legislation of both the Senate and House of Representatives.

The resolution, as amended, was adopted.

The joint resolution,

S. B. 57. Proposing amendments to the Constitution of the State of Alabama,

Was read the second time and referred to the judiciary committee.

Mr. Dereen, from the special committee, reported favorably to the House bill,

H. R. 32. To amend an act entitled "An act to fix the time of holding the chancery court for the first district of the western chancery division of Alabama," approved February 1, 1872.

Which was read the third time, under a suspension of the constitutional rule, and passed.

Mr. Little, from the special committee to which was referred the bill,

S. B. 109. To provide for the preparation of indexes and the preservation of record books in the offices of the judge of probate, register in chancery, sheriff and clerks of the circuit court of the county of Lowndes,

Reported, as a substitute therefor, two bills, with titles as follows :

S. B. 109. To compel probate judges, clerks of the circuit court and registers in chancery, of this State, to keep direct and reverse indexes of all books and records, required by law to be kept in their respective offices.

S. B. 109. To prohibit probate judges, clerks of the circuit court and registrars in chancery from receiving fees or allowances out of the county treasury for services rendered in keeping direct and reverse indexes of all books and records in their respective offices.

The substitutes were severally adopted, read the third time, under a suspension of the constitutional rule, and passed.

Mr. Little, from same committee, reported favorably to the bill—

S. B. 107. To prohibit the sale, gift or barter of intoxicating liquors within four miles of Bethany Baptist Church and Collierine Academy in Lowndes county.

Which was read the third time, under a suspension of the constitutional rule, and passed.

Mr. Cooper, from the special committee, reported favorably to the bill—

S. B. 31. To abolish the criminal court for the county of Dallas, and to transfer all the causes therein pending, together with all the dockets, papers and books of said criminal court to the circuit court of Dallas county, Alabama.

Mr. Haralson moved to amend so as to allow the clerk of the city court one hundred and fifty dollars for making the transfer.

Mr. Cooper moved to amend the amendment by making the amount fifty dollars.

On motion of Mr. Little, the amendment, and the amendment thereto, were laid on the table.

On motion of Mr. Carmichael, the following section was added to the bill :

“ Section 7. Be it further enacted, That an act entitled ‘an act to establish a criminal court for the county of Dallas,’ approved February 23rd, 1870, be and the same is hereby repealed.”

The bill was ordered to a third reading on Friday.

Mr. Coleman introduced a bill—

S. B. 132. For the relief of Elmira Myers, wife of Henry H. Myers, of Limestone county, Alabama ;

Which was read the first and second times under a suspension of the constitutional rule, and referred to a special committee composed of Messrs. Coleman, Martin and Parks.

Mr. Haralson moved to adjourn till Friday morning at 11 o'clock.

The Senate refused to adjourn.

Mr. Cobb moved to adjourn till 11 o'clock, Friday morning.

Mr. Haralson raised a point of order, that no business had been transacted by the Senate since it had refused to entertain a similar motion.

The point of order was sustained.

Mr. Snodgrass moved to reconsider the vote by which the Senate refused to adjourn.

The motion prevailed,

On motion of Mr. Haralson, the Senate adjourned till 11 o'clock, Friday morning.

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FRIDAY, November 27th, 1874.

The Senate met pursuant to adjournment.

Prayer by Rev. Dr. Petrie.

On a call of the roll, the following members answered to their names :

Messrs. Black, Carmichael, Cobb, Coleman, Cooper, Cunningham, Curtis, Dereen, Dreisbach, Edwards, Ervin, Farden Grayson, Hamilton, Haralson, Harris of Lee, Harris of Russell, Inzer, Jones, Leftwitch, Parks, Robinson, Snodgrass, Terrell and Walton—25.

The journal of Wednesday was read and approved.

#### MESSAGE FROM THE HOUSE

By Mr. Garrett :

Mr. President :

The House has passed the following Senate bills :

S. B. 22. To prohibit judges of the probate courts in this State from appointing certain persons therein named, as guardians ad litem.

S. B. 24. To ratify and confirm an election for five commissioners of revenue, held in Mobile county in November, A. D. 1874, and defining their term of office.

S. B. 60. To repeal an act to protect the wanton destruction of fish in Madison, Marshall and Limestone counties, approved February 1st, 1872, and an act to prevent the wanton destruction of fish in this State, approved April 21st, 1873.

ELLIS PHELAN,  
Clerk.

#### CALL OF THE DISTRICTS.

Bills were introduced—

By Mr. Harris of Russell—

S. B. 133. To authorize the Judge of the 9th judicial circuit in the State of Alabama, to hold a special term ;

Which was read the first, second and third times under a suspension of the constitutional rule, and passed.

On motion of Mr. Robinson, the title of the bill was amended by adding the words “ in Russell county.”

The bill was ordered forthwith to the House, without being engrossed.

By Mr. Grayson—

S. B. 134. To amend section 1374 of the Revised Code of Alabama.

By Mr. Martin—

S. B. 135. Qualifying the authority of municipal corporations to require the taking out of law license.

By Mr. Haralson—

S. B. 116. In relation to the court of county commissioners of Dallas county.

Also,

S. B. 137. To repeal an act entitled “an act to empower the commissioners’ court of the county of Dallas to issue bonds, and for other purposes ;”

Which was severally read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Finance.

By Mr. Grayson—

S. B. 138. To repeal an act entitled “ an act to repeal section 1374, in Art. 1, of the Revised Code of Alabama, so far as it relates to the counties of DeKalb, Covington, Russell, Cherokee and Madison, “approved April 19th, 1873, so far as the same relates to the county of Madison.

By Mr. Black—

S. B. 139. To repeal an act entitled “ an act to amend section one of an act entitled ‘ an act to empower the Governor to appoint notaries public,’ ” so far as it relates to, and effects Barbour county ;

Which were severally read the first, second and third times, under a suspension of the constitutional rule, and passed.

By Mr. Cooper—

A petition from citizens of Attalla, asking for a prohibition of the retail of spirituous liquors in said town, and within three miles of the same ;

Which was referred to the special committee composed of Messrs. Terrell, Dereen and Cooper.

By Mr. Inzer—

S. B. 140. To prohibit the sale, giving away, or otherwise disposing of vinous, spirituous or malt liquors within two miles of the academy, in the town of Jasper, Walker county, Alabama ;

Which was read the first and second times, under suspension of the constitutional rule, and referred to the same special committee.

By Mr. Inzer—

S. B. 141. To provide for the payment of decrees of chancery courts rendered against the State of Alabama.

By Mr. Cunningham—

S. B. 142. To amend section 934, of the Revised Code of Alabama.

By Mr. Royal—

S. B. 143. To regulate the appointment of the guardians of Mary M. Rumph and Artemia L. Rumph, of Bullock county.

By Mr. Golson—

S. B. 144. To authorize and require the clerks of the circuit courts of this State to perform the duties of the registers in chancery in the said circuit courts in all causes wherein the judges of the said circuit courts have chancery jurisdiction.

By Mr. Golson—

S. B. 145. To authorize the transfer of certain causes pending in the chancery courts of the State, to the circuit courts, in such cases as the circuit judge has equity jurisdiction.

By Mr. Haralson—

S. B. 146. To prevent solicitors from commencing prosecutions by affidavit made by themselves.

By Mr. Ervin—

S. B. 147. To except surgeon dentists residing in and practicing their profession within the State of Alabama, from jury duty, except by their own consent.

By Mr. Parks—

S. B. 168. To amend section 1353 of the Revised Code ;  
Which were severally read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on the Judiciary.

Mr. Farden gave notice that he would move to reconsider the vote by which the Senate passed the bill—

S. B. 120. To prohibit judges and chancellors from practicing law.

By Mr. Robinson—

S. B. 149. For the relief of James W. Hill and Elizabeth E. Prather, of Chambers county ;

Which was read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Privileges and Elections.

The hour of twelve o'clock having arrived,

On motion of Mr. Haralson, the orders of the day were suspended, to finish the call of the districts.

By Mr. Haralson—

S. B. 150. To establish a new charter for the city of Selma ;

Which was read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Municipal and County Organizations.

By Mr. Ervin—

S. B. 151. To authorize solicitors or clerks of courts to issue subpoenas in certain State cases ;

Which was read the first and second times, under a suspension of the constitutional rule.

Mr. Inzer moved to amend by striking out all after the words "grand juries," where they occur in the sixth line of the first section, and insert the following : "In all cases of felonies and misdemeanors cognizable in the courts of this State."

The bill and amendments were referred to the Judiciary Committee.

By Mr. Ervin—

A petition from Edmund W. Martin, which he moved to refer to the Committee on Privileges and Elections, with instructions to investigate the subject and report what action, if any, is required on the part of the Senate, to redress the grievance complained of.

The motion prevailed, and the petition was referred.

By Mr. Parks—

S. B. 152. To repeal an act entitled "an act to establish a criminal court for the county of Bullock, with criminal and civil jurisdiction.

By Mr. Parks—

S. B. 153. To allow the administrator of the estate of Celia Baldwin, deceased, to sell personal property belonging to said estate at private sale ;

Which were severally read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Local Legislation.

The orders of the day were taken up, and the bill,

S. B. 31. To abolish the criminal court of the county of Dallas, and to transfer all the causes therein pending, together with all the dockets, papers and books of said criminal court to the circuit court of Dallas county, Alabama ;

Was read the third time.

Mr. Farden moved to amend by engrossed ryder, as fol-



lows : Amend, by adding the words, “and all other city courts, and all other criminal courts of any city or county in the State of Alabama.”

Mr. Cobb raised a point of order, that the papers, minutes, dockets, &c., of other city and criminal courts, could not be filed in the office of the circuit court of Dallas county, and that the subject matter, of the engrossed ryder, was not germane to the bill before the Senate.

The point of order was sustained, and the bill passed—yeas 24, nays 3.

Those who voted for the passage of the bill are—

Messrs. Carmichael, Cobb, Coleman, Cooper, Cunningham, Curtis, Dereen, Driesbach, Edwards, Ervin, Golson, Grayson, Hamilton, Haralson, Harris of Lee, Harris of Russell, Inzer, Leftwitch, Little, Martin, Parks, Robinson, Terrell and Walton—21.

Those who voted in the negative are—

Messrs. Farden, Green and Jones—3.

Mr. Terrell, from the Special Committee, reported adversely to the bill—

S. B. 71. To authorize probate judges to order election in certain cases ; to prevent the sale or giving away of vinous or spirituous liquors in this State ;

Report concurred in.

Mr. Terrell, from same committee, reported favorably to the bill—

S. B. 70. To regulate the retailing of vinous or spirituous liquors, and to authorize the right of petition against such sales ;

Report concurred in—yeas 19, nays 8.

Those who voted for concurrence are—

Messrs. Black, Carmichael, Cobb, Coleman, Cooper, Cunningham, Curtis, Dereen, Dreisbach, Ervin, Golson, Green, Haralson, Harris of Lee, Harris of Russell, Leftwitch, Little, Parks and Terrell—19.

Those who voted in the negative are—

Messrs. Grayson, Hamilton, Inzer, Martin, Robinson, Royal, Snodgrass and Walton—8.

Mr. Dereen moved to reconsider the vote concurring in the report of the committee, and to lay that motion on the table ;

The motion prevailed.

Mr. Dereen moved to amend, by inserting in third line of first section, after the word "license," the words "for retailing spirituous liquors.”

Mr. Black moved to amend by proviso, as follows : “Provi-

ded. That the provisions of this act shall not apply to drug-gists.”

The bill and amendments were recommitted to the Judiciary Committee.

Mr. Coleman, from a Special Committee, reported favorably to the bill—

S. B. 132. For the relief of Elmira Myers, wife of Henry H. Myers of Limestone county, Alabama ;

Which was read the third time, under a suspension of the constitutional rule, and passed.

Mr. Coleman, by leave, offered the following resolution, which was adopted :

Resolved, That hereafter, the time of meeting of the Senate shall be ten o'clock and fifteen minutes, a. m.

Mr. Little, from the Special Committee, reported a substitute for the bill—

S. B. 106. To reduce and fix the fees and commissions of tax assessors and tax collectors in Lowndes county.

The caption of the substitute reads as follows :

S. B. 106. To regulate and fix the fees of tax assessors and tax collectors in Lowndes county.

Mr. Black moved to make it the special order for 12 o'clock to-morrow ;

Lost.

The substitute was adopted and ordered to a third reading on to-morrow.

The President announced the following standing committees :

#### ON THE JUDICIARY,

Including rules and regulations.

Messrs. Hamilton, Cobb, Little, Harris of Russell, Cooper, Martin and Robinson.

#### ON FINANCE AND TAXATION,

Including accounts, claims, fees, salaries and contingent fund.

Messrs. Ervin, Cunningham, Walton, Golson, Moore and Hamilton.

#### ON INTERNAL IMPROVEMENTS,

Including roads, public Highways, agriculture and manufactures.

Messrs. Carmichael, Inzer, Harris of Lee, Coleman and Haralson.

ON FEDERAL RELATIONS,

Including banks and insurance.

Messrs. Cobb, Grayson, Farden, Parks, Golson, and Hamilton.

ON EDUCATION.

Messrs. Coleman, Terrell, Little, Harris of Lee, and Black.

ON PRIVILEGES AND ELECTIONS,

Including grievances, disabilities and registration.

Messrs. Inzer, Robinson, Dereen, Cunningham and Royal.

ON MUNICIPAL AND COUNTY ORGANIZATION,

Including poor laws and charitable institutions.

Messrs. Parks, Dreisbach, Miller, Cooper and Leftwitch.

ON MILITIA.

Messrs. Terrell, Carmichael, Snodgrass, Edwards, Curtis and Glass.

ON PRINTING.

Messrs. Snodgrass, Black and Robinson.

ON ENGROSSED BILLS.

Messrs. Little, Walton and Black.

ON ENROLLED BILLS.

Messrs. Harris of Lee, Dereen and Grayson.

ON INDUSTRIAL RESOURCES AND PUBLIC BUILDINGS.

Messrs. Edwards, Green, and Dreisbach.

ON LOCAL LEGISLATION.

Messrs. Martin, Little, Parks, Dereen and Robinson.

## ON PENITENTIARY, PRISONS AND PUNISHMENTS.

Messrs. Driesbach, Ervin, Cunningham, Terrell and Jones.

## ON REVISION OF LAWS.

Messrs. Moore, Parks, Coleman, Cobb and Farden.

On motion of Mr. Haralson, one hundred copies of the standing committees were ordered to be printed.

Mr. Carmichael moved to take up and dispose of Mr. Farden's motion to reconsider the vote by which the Senate passed the bill,

S. B. 120. To prohibit judges and chancellors from practicing law.

The motion prevailed.

Mr. Farden moved to reconsider the vote by which the bill passed.

Lost.

Mr. Cobb offered the following resolution :

Resolved, That the Judiciary Committee be authorized to employ a clerk.

Mr. Parks moved to amend the resolution by adding the words, "Provided, That said clerk shall not receive more than four dollars per day as his compensation for the time actually employed."

On motion of Mr. Terrell, the amendment was laid on the table.

Mr. Terrell moved to lay the resolution on the table.

Lost. Yeas 6—nays 23.

Messrs. Edwards, Inzer, Parks, Robinson, Terrell and Walton—6.

Messrs. Black, Cobb, Coleman, Cooper, Cunningham, Curtis, Dereen, Dreibach, Ervin, Farden, Golson, Grayson, Green, Hamilton, Harris of Lee, Harris of Russell, Jones, Leftwitch, Little, Martin, Royal, Snodgrass—23.

Mr. Haralson offered the following resolution, which was adopted :

Resolved, That the Committee on the Judiciary be instructed to inquire into the facts and law, as to the right of Robt. C. Clark, former door-keeper of the Senate, to receive compensation, and the amount of the same, during the Presidency of

Lieutenant Governor McKinstry over that body at its present session, and report by bill or otherwise.

Leave of absence was granted Messrs. Miller and Cooper till Monday next, and Mr. Carmichael till Tuesday next.

On motion of Mr. Martin, the Senate adjourned till quarter after 10 o'clock to-morrow morning.

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SATURDAY, November 28th, 1874.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. J. B. Jones.

On a call of the roll the following senators answered to their names :

Messrs. Black, Cobb, Coleman, Cooper, Cunningham, Curtis, Dreisbach, Edwards, Ervin, Golson, Grayson, Green, Hamilton, Haralson, Harris of Lee, Harris of Russell, Inzer, Jones, Leftwitch, Little, Parks, Snodgrass, Terrell and Walton—24.

The journal of yesterday was read and approved.

On motion of Mr. Cobb, that part of the Governor's Message relating to light houses and overflowed lands was referred to the Committee on Federal Relations.

Mr. Martin offered the following resolution, which was adopted :

Resolved, That the committee on behalf of the Senate, to whom was referred the subject of re-districting the State into eight Congressional Districts, be increased by the appointment of two Senators for the State at large.

Messrs. Harris of Russell, and Golson were appointed on the part of the Senate, for the State at large, and the resolution was ordered forthwith to the House.

Mr. Little offered the following resolution, which was adopted :

Resolved, That the House permit the Senate to withdraw from the House a resolution heretofore sent to the House, appointing a committee to investigate outrages in Sumter county.

The resolution was ordered forthwith to the House.

#### MESSAGE FROM THE GOVERNOR

By his Private Secretary :

STATE OF ALABAMA,  
 EXECUTIVE DEPARTMENT,  
 MONTGOMERY, ALA., Nov. 28th, 1874.

Mr. President :

I am instructed by the Governor to inform the Senate that he has this day approved the following bill, which originated in the Senate :

S. B. 24. An act to ratify and confirm an election for five Commissioners of Revenue, held in Mobile county, in November, A. D. 1874, and defining their term of office.

Respectfully,

L. R. DAVIS,  
 Private Secretary.

Mr. Hamilton presented a memorial, from the citizens of Greenville, relative to additional taxation ;

Which was referred to the Committee on Finance and Taxation.

On motion of Mr. Cobb, the President was authorized to appoint a standing committee on temperance, with the understanding that Messrs. Terrell, Dereen and Cooper compose said committee.

Leave of absence was granted Mr. Robinson for two days.

Mr. Hamilton, from the Judiciary Committee, reported adversely to the resolution adopted by the Senate, in reference to paying Robert C. Clark as door-keeper of the Senate during the Presidency of Lieutenant Governor McKinstry, except for the time of actual service and till the election of his successor on the 17th day of November, 1874 ;

The report was concurred in.

Mr. Hamilton, from said committee, reported favorably, with an amendment to the bill—

S. B. 18. To repeal an act entitled “an act to regulate the confinement and discharge of persons charged with misdemeanors,” approved December 17, 1873.

The amendment reads as follows: “Provided, That this act shall not affect any proceeding now pending, or any bonds or recognizances heretofore taken, under the provisions of the above named act, but the same shall remain and have operation, as if said act had not been repealed ;”

The amendment was adopted and the bill made the special order for Tuesday, 12 o’clock.

Mr. Hamilton, from same committee, reported adversely to the bills—

S. B. 6 and 38. To repeal an act entitled “an act to regu-

late the confinement and discharge of persons charged with misdemeanors," approved December 17, 1873 ;

Report concurred in.

On motion of Mr. Cobb, the Senate went into the election of an engrossing clerk.

Nominations being in order, Mr. Curtis nominated Mr. Jas. H. Graham of Perry county.

Mr. Graham having received the whole vote cast, viz., 27, was declared duly elected engrossing clerk of the Senate.

#### MESSAGE FROM THE HOUSE

By Mr. Garrett.

Mr. President:

The House has amended, as therein shown, and passed the Senate bill—

S. B. 4. To regulate the election of municipal officers in the city of Mobile.

And has adopted the following joint resolution :

Resolved, by the House of Representative, the Senate concurring, That a joint committee of the two Houses, consisting of five on the part of the House, and four on the part of the Senate, be appointed, to whom shall be referred all resolutions and bills looking to the call of a constitutional convention, or amendments thereto, and said committee be instructed to report by bill or otherwise.

Committee on the part of the House—

Messrs. Purcell, Price, Bruce, Coon, Shepard.

ELLIS PHELAN,

Clerk.

Bills were introduced,

By Mr. Black—

S. B. 154. To regulate and fix the fees of tax assessors and tax collectors of the State of Alabama.

By Mr. Inzer—

S. B. 155. To repeal an act entitled "an act for the encouragement of mining manufacturing, industrial, mechanical and commercial pursuits within the State of Alabama," approved 23d April, 1873 ;

Which were severally read the first and second times under a suspension of the constitutional rule, and referred to Committee on Finance.

On motion of Mr. Cobb, the Senate proceeded to the consideration of House messages.

The House amendment to the Senate bill—

S. B. 4. To regulate the election of municipal officers in the city of Mobile ;

Was concurred in, and the House notified forthwith of said concurrence.

The Senate adopted the House joint resolution appointing a joint committee to consider and report upon all resolutions and bills looking to the call for a constitutional convention.

Committee on the part of the Senate—

Messrs. Hamilton, Terrell, Harris of Russell, and Parks.

#### CALL OF THE DISTRICTS.

Bills were introduced.

By Mr. Coleman—

S. B. 156. To amend section 3 of “an act to establish a new charter for the town of Athens, in the county of Limestone ;”

Which was read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Local Legislation.

By Mr. Cunningham—

S. B. 157. To provide for the support of the Freedman’s Hospital, located near the city of Talladega, Alabama ;

Which was read the first and second times, under a suspension of the constitutional rule, and referred to a special committee, composed of Messrs. Martin, Dereen and Parks.

Mr. Cooper presented a petition adverse to the prohibition of the sale of spirituous liquors in the town of Gadsden ;

Also, a petition asking the abolition of the retailing of whisky, &c., in Collinsville, Alabama.

By Mr. Snodgrass—

A petition from citizens of DeKalb county, asking that no law be passed prohibiting the sale of whisky, &c., in five miles of Lebanon ;

Which petition was referred to the Committee on Temperance.

By Mr. Hamilton, a bill—

S. B. 158. Relating to the Southern States Coal, Iron and Land Company, ( limited) a corporation of Great Britain, having its principal place of business in the city of Manchester, England, and granting certain powers, rights and immunities to the said corporation ;

Which was read the 1st and 2d times under a suspension of the constitutional rule, and referred to the Judiciary Committee.



The hour of twelve o'clock having arrived, the Senate took up the bill—

S. B. 106. To regulate and fix the fees of the tax assessors and tax collectors of Lowndes county,

And made it the special order for Monday, 12 o'clock.

Mr. Martin introduced a bill—

S. B. 159. To exempt from taxation the property of companies formed for opening the Sipsev river to navigation with steam and keel boats ;

Which was read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Internal Improvements.

Mr. Grayson offered the following resolution, by leave of the Senate :

Resolved, That the judiciary committee be requested to report rules for the government of this body.

On motion of Mr. Black, it was laid on the table.

Mr. Parks offered the following resolution, which was adopted :

Resolved, That Tuesdays and Fridays of each week, be set apart for the consideration, by the Senate, of House messages.

Message from the House, by Mr. Phelan :

Mr. President :

In obedience to the request of the Senate, I am instructed by the House to return the joint resolutions, in relation to the investigation of alleged crimes and outrages in Sumter county.

ELLIS PHELAN, Clerk.

On motion of Mr. Little, Mr. Cobb was placed on the committee on alleged crimes and outrages in Sumter county, in his stead.

On motion of Mr. Curtis, the Senate adjourned till Monday morning 10¼ o'clock.

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MONDAY, November 30, 1874.

The Senate met pursuant to adjournment.

Prayer by Rev. Dr. Gwin.

On a call of the roll the following members answered to their names :

Messrs. Black, Cobb, Coleman, Cooper, Cunningham, Curtis,

Dereen, Driesbach, Edwards, Ervin, Grayson, Green, Hamilton, Haralson, Harris of Lee, Harris of Russell, Leftwich, Little, Martin, Parks, Royal, Snodgrass and Walton.—23.

### CALL OF THE DISTRICTS.

Bills, were introduced :

By Mr. Coleman—

S. B. 160. To more effectually protect farms and lands from invasion and injury.

Also,

S. B. 161. To more effectually prevent the killing, injuring and disabling of stock, or other personal property.

Also,

S. B. 162. To prevent any one from knowingly, wilfully and without the consent of the owner, taking and carrying away the timber or rails upon any lands within this State ;

Which were severally read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Revision of the Laws.

By Mr. Grayson—

S. B. 163. To define the rights, powers and liabilities of the Union Fishery, Salt and Manure Manufacturing Company of Alabama ;

Which was read the first and second times, under a suspension of the constitutional rule, and referred to a committee of two from the State at large, and one from each congressional district. Messrs. Grayson and Hamilton, for the State at large, and Messrs. Driesbach, Carmichael, Cunningham, Cobb, Snodgrass and Moore, compose said committee.

After its reference, Mr. Haralson moved to print 150 copies.

The motion prevailed.

On motion of Mr. Terrell, the motion to print was reconsidered.

On motion of Mr. Terrell, the motion to print was laid on the table.—Yeas 15, nays 11.

Those who voted in the affirmative are—

Messrs. Cobb, Coleman, Cunningham, Dereen, Driesbach, Edwards, Ervin, Grayson, Harris of Lee, Little, Martin, Parks, Snodgrass, Terrell and Walton—15.

Those who voted in the negative are—

Messrs. Black, Cooper, Curtis, Farden, Golson, Green, Hamilton, Haralson, Harris of Russell, Leftwich and Royal—11.

Message from the House, by Mr. Phelan :

Mr. President :

The House has passed the Senate bill—

S. B. 5. To regulate the election of justices of the peace and constables in the city of Mobile.

And has originated and passed the following bills—

H. B. 13. To authorize the mayor and aldermen of the city of Huntsville to issue bonds of said corporation.

H. R. 14. To amend section 2925 of the Revised Code of Alabama.

ELLIS PHELAN, Clerk.

Mr. Walton offered the following resolution, which was adopted :

Resolved, That the secretary of the Senate be instructed to request the House of Representatives to return the House bill—

H. R. 32. To amend an act entitled “An act to fix the time of holding the chancery court for the first district of the western chancery division of Alabama, “ approved February 1st. 1872.

Bills were introduced :

By Mr. Grayson—

S. B. 164. For the relief of William H. Moore, late commissioner for investigating and auditing certain claims against the State of Alabama, on account of the Alabama & Chattanooga Railroad.

By Mr. Ervin—

S. B. 165. To pay the State of Georgia for board and clothing furnished insane persons from the State of Alabama.

By Mr. Haralson—

S. B. 166. To repeal an act entitled “An act to regulate the fees of constables in the counties of Marengo and Dallas,” so far as relates to the county of Dallas ;

Which were severally read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Finance.

By Mr. Martin, joint resolutions—

S. B. 167. Providing for the calling of a convention for the purpose of altering or amending the constitution of the State of Alabama ;

Which was read the first and second times, under a suspension of the constitutional rule, and referred to the joint committee of the two Houses on this subject.

By Mr. Royal—

S. B. 168. To amend section 2376 of the Revised Code of Alabama, so as to make it apply to contracts for tuition of children.

By Mr. Haralson—

S. B. 169. For the relief of Andrew S. Goodwin, as guardian of the estate of Minerva L. Goodwin, a minor.

By Mr. Little—

S. B. 170. To amend section 3932 of the Revised Code of Alabama.

Also,

S. B. 171. To aid in the substitution of lost records.

By Mr. Hamilton—

S. B. 172. To preserve elections from political interferences, by preventing any chancellor, chancery court or other officer, having chancery powers, from exercising jurisdiction over any matter appertaining to any election in this State ;

Which were severally read the first and second times, under a suspension of the constitutional rule, and referred to the judiciary committee.

By Mr. Parks—

S. B. 173. To repeal an act entitled, "An act to prevent the hiring out of convicts beyond the limits of the county in which they are convicted," approved April 10, 1873 ;

Which was read the first and second times, under a suspension of the constitutional rule.

Mr. Black offered the following amendment: "Provided, that the provisions of this act shall not apply to Barbour county."

#### MESSAGE FROM THE HOUSE

By Mr. Phelan :

Mr. President :

I am instructed to return, in obedience to request of the Senate, the House bill—

H. R. 32. To amend "an act to fix the time of holding the chancery court for the first district of the western chancery division of Alabama," approved February 1, 1872.

ELLIS PHELAN, Clerk.

On motion of Mr. Walton, the vote by which the Senate passed the House bill—

H. R. 32. To amend an act entitled "an act to fix the time of holding the chancery court for the first district of the western chancery division of Alabama," approved February 1,

1872, was reconsidered, and the vote ordering it to a third reading was reconsidered, and the bill was referred to the Committee on Local Legislation.

Mr. Little, from the special committee, reported three substitutes for the bill—

S. B. 108. To regulate the jurisdiction of the county court and of justices of the peace in criminal cases, in Lowndes county.

The first substitute, with the following title—

S. B. 108. To amend section 4031 of the Revised Code of Alabama ;

Was adopted, and ordered to a third reading on to-morrow ;

The second substitute, which has the following title—

S. B. 108. To amend section 4330 of the Revised Code of Alabama ;

Was adopted, read the third time, under a suspension of the constitutional rule, and passed.

The third substitute was adopted, and recommitted to the Judiciary Committee. The title is as follows:

S. B. 108. To repeal section 4331 of the Revised Code of Alabama.

At the request of the Senator from Butler,

On motion of Mr. Haralson, the Committee on Privileges and Elections were instructed to report this week, if practicable, on the memorial of E. W. Martin.

Leave of absence was granted to Mr. Miller for one week, and Mr. Inzer till Wednesday.

The hour of twelve o'clock having arrived, the bill,

S. B. 106. To regulate and fix the fees of the tax assessors and tax collectors of Lowndes county ;

Was taken up and re-committed to the Finance Committee.

Mr. Ervin introduced a bill—

S. B. 174. For the relief of R. U. L. Watson, of Wilcox county ;

Which was read the first, second and third times, under a suspension of the constitutional rule, and passed.

Mr. Haralson offered the following resolution, which was adopted :

Resolved, That the Judiciary Committee are hereby requested to examine the law, and report by bill or otherwise, as to the propriety of paying solicitors a salary, in lieu of fees, as the law now provides.

Mr. Hamilton, from the Judiciary Committee, reported adversely to the bill—

S. B. 77. To amend sections 3706 and 3707 of the Revised Code of Alabama.

The report was concurred in.

Mr. Hamilton, from same committee, reported a substitute for the bill—

S. B. 77. To amend section 3706 of the Revised Code of Alabama.

The substitute was adopted and made the special order for to-morrow at 12 o'clock, m.

Mr. Harris of Lee, from the Committee on Enrolled Bills, reported the following as correctly enrolled:

S. B. 4. An act to regulate the election of municipal officers in the city of Mobile.

S. B. 22. An act to prohibit judges of the probate courts of this State from appointing certain persons, therein named, as guardians ad litem.

S. B. 60. An act to repeal an act entitled " an act to prevent the wanton destruction of fish in Madison, Marshall and Limestone counties," approved Feb. 1st, 1872 ; and an act entitled " an act to prevent the wanton destruction of fish in this State," approved April 21st, 1873.

S. B. 5. An act to regulate the election of justices of the peace and constables in the city of Mobile.

On motion of Mr. Haralson, the Senate adjourned till quarter past ten o'clock to-morrow morning.

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TUESDAY, December 1st, 1874.

The Senate met pursuant to adjournment.

Prayer by Rev. Dr. Gwin.

On a call of the roll, the following Senators answered :

Messrs. Black, Carmichael, Cobb, Coleman, Cooper, Cunningham, Curtis, Dereen, Driesbach, Edwards, Ervin, Glass, Golson, Grayson, Green, Hamilton, Haralson, Harris of Lee, Harris of Russell, Inzer, Jones, Leftwich, Little, Martin, Parks, Royall, Snodgrass, Terrell—28.

The journal of yesterday was read and approved.

#### CALL OF THE DISTRICTS.

Bills were introduced,

By Mr. Coleman—

S. B. 175. To compel the attendance of witnesses in criminal cases.

Also,

S. B. 176. To render certain witnesses competent in trial of misdemeanors.

Also,

S. B. 177. To amend section 4302 of the Revised Code of Alabama.

By Mr. Terrell—

S. B. 178. To establish a criminal court of Montgomery ;  
Which were severally read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Revision of Laws.

By Mr. Coleman—

S. B. 179. To make the uncorroborated testimony of an accomplice sufficient to convict.

By Mr. Cooper—

S. B. 180. To authorize Mrs. Mary E. Harvey, trustee of R. W. McKee Levy, Sarah Leith Levy and Carrie Morrison Levy, to remove certain trust funds from Lowndes county, in this State, to Pensacola, Florida ;

Which were severally read the first and second times, under a suspension of the constitutional rule, and referred to the Judiciary Committee.

By Mr. Cooper—

S. B. 181. A petition of citizens of Cedar Bluff, asking for the prohibition of sale of spirituous liquors at or within two miles of said town ;

Which was referred to the Committee on Temperance.

By Mr. Terrell—

S. B. 182. For the relief of Lewis Collier Garrett, of Coosa county.

By Mr. Parks—

S. B. 183. To authorize Welborn White, the administrator of the estate of James W. White, to sell land at private sale ;

Which were severally read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Local Legislation.

By Mr. Curtis—

S. B. 184. To amend section two of "an act to establish a new charter for the town of Marion, in the county of Perry," approved Feb. 16th, 1870;

Which was read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Municipal and County Organizations.

By Mr. Little—

S. B. 185. To exempt practicing physicians from a license tax ;

Which was read the first and second times, under a suspension of the constitutional rule.

Mr. Farden moved to amend by making it applicable to “lawyers.”

Mr. Inzer moved to lay the amendment on the table.

Lost.

On motion of Mr. Cooper, the bill and amendment were laid on the table. Yeas 18—nays 9.

Those who voted in the affirmative are—

Messrs. Cobb, Coleman, Cooper, Cunningham, Curtis, Edwards, Glass, Golson, Grayson, Green, Haralson, Harris of Lee, Harris of Russell, Inzer, Leftwich, Martin, Royal and Snodgrass—18.

Those who voted in the negative are—

Messrs. Black, Carmichael, Driesbach, Ervin, Farden, Hamilton, Little, Parks and Walton—9.

By Mr. Edwards—

S. B. 186. To amend “an act to establish revenue laws for the State of Alabama ;”

Which was read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Finance.

Mr. Hamilton, by leave, offered the following resolution, which was adopted :

Resolved, That the doorkeeper be instructed to have erected, in front of the entrance into the Senate chamber, either within or without the same, as may be most effectual, a proper frame, and covered with green baize, to protect Senators from the draughts of the door ; and that this be done as soon as practicable.

The House bills—

H. B. 14. To amend section 2925 of the Revised Code of Alabama.

H. B. 13. To authorize the mayor and aldermen of the city of Huntsville, to issue bonds of said corporation ;

Were read the first, second and third times, under a suspension of the constitutional rule, and passed.

The hour of twelve o'clock having arrived, the Senate proceeded to the consideration of the special orders.

The bill—

S. B. 18. To repeal an act entitled “an act to regulate the confinement and discharge of persons charged with misdemeanors,” approved December 17, 1873, was first considered.



Mr. Terrell offered the following amendment, which was adopted :

“ Provided further, This act shall not be operative for thirty days after its approval.”

Mr. Haralson moved to amend by making the operations of the bill inapplicable to citizens of this State.

On motion of Mr. Coleman, the amendment was laid on the table—yeas 16, nays 12

Those who voted in the affirmative are—

Messrs. Carmichael, Cobb, Coleman, Cooper, Cunningham, Driesbach, Edwards, Grayson, Hamilton, Harris of Lee, Harris of Russell, Inzer, Little, Martin, Snodgrass and Terrell—16.

Those who voted in the negative are—

Messrs. Curtis, Dereen, Ervin, Farden, Glass, Golson, Green, Haralson, Leftwich, Parks, Royal and Walton—12.

Mr. Haralson moved to indefinitely postpone the bill.

On motion of Mr. Coleman, the motion was laid on the table—yeas 13, nays 12.

Those who voted in the affirmative are—

Messrs. Carmichael, Cobb, Coleman, Driesbach, Edwards, Grayson, Hamilton, Harris of Lee, Harris of Russell, Little, Martin, Snodgrass and Terrell—13.

Those who voted in the negative are—

Messrs. Cooper, Curtis, Ervin, Farden, Glass, Green, Haralson, Inzer, Leftwich, Parks, Royal, and Walton—12.

Mr. Haralson moved to lay the bill on the table.

Lost—yeas 12, nays 16.

Those who voted in the affirmative are—

Messrs. Curtis, Dereen, Ervin, Farden, Glass, Golson, Green, Haralson, Leftwich, Parks, Royal and Walton—12.

Those who voted in the negative are—

Messrs. Carmichael, Cobb, Coleman, Cooper, Cunningham, Driesbach, Edwards, Grayson, Hamilton, Harris of Lee, Harris of Russell, Inzer, Little, Martin, Snodgrass and Terrell—16.

The further consideration of the bill was temporarily suspended.

Mr. Hamilton, from the Judiciary Committee, reported back the

S. B. 57. Joint resolutions, proposing amendments to the Constitution of the State of Alabama,

And moved their recommittal to the Joint Committee of the two Houses on this subject.

The motion prevailed.

On motion, of Mr. Leftwich, the Senate adjourned—yeas 16, nays 12.

Those who voted in the affirmative were—

Messrs. Cooper, Cunningham, Durtis, Dereen, Ervin, Farden, Glass, Golson, Green, Haralson, Harris of Russell, Leftwich, Parks, Royal, Snodgrass and Walton—16.

Those who voted in the negative are—

Messrs. Carmichael, Cobb, Coleman, Driesbach, Edwards, Grayson, Hamilton, Harris of Lee, Inzer, Little, Martin and Terrell—12.

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WEDNESDAY, December 2, 1874.

The Senate met pursuant to adjournment.

Prayer by Rev. Dr. Gwin.

On a call of the roll the following Senators answered to their names :

Messrs. Black, Carmichael, Cobb, Coleman, Cunningham, Curtis, Dereen, Driesbach, Edwards, Ervin, Glass, Golson, Grayson, Green, Hamilton, Haralson, Harris of Lee, Harris of Russell, Leftwich, Little, Martin, Parks, Robinson, Royal, Snodgrass, Terrell and Walton—28.

Mr. Carmichael offered the following resolution, which was adopted :

Resolved, That rule thirty-one of the Senate be amended, by striking out the word “engrossed,” in the last line, and inserting the word “enrolled.”

On motion of Mr. Black the vote, adopting the resolution, was reconsidered, and the resolution lies over one day.

Mr. Harris of Lee, asked and obtained leave of absence for two hours, to attend the session of the State Grange.

#### MESSAGE FROM THE GOVERNOR,

By his Private Secretary.

EXECUTIVE DEPARTMENT,  
STATE OF ALABAMA,  
MONTGOMERY, December 2, 1874.

Mr. President :

I am instructed by the Governor to inform the Senate that he has approved the following bills, which originated in the Senate :

S. B. 4. An act to regulate the election of municipal officers in the city of Mobile.

S. B. 60. An act to repeal an act entitled "an act to protect the wanton destruction of fish in Madison, Marshall and Limestone counties," approved February 1, 1872; and an act entitled "an act to prevent the wanton destruction of fish in this State," approved April 21, 1873.

S. B. 5. An act to regulate the election of justices of the peace and constables in the city of Mobile.

S. B. 22. An act to prohibit judges of probate courts of this State from appointing certain persons, therein named, as guardians ad litem.

Respectfully,

L. R. DAVIS,  
Private Secretary.

Mr. Harris of Russell, by leave, offered

S. B. 186½. Joint resolutions proposing amendments to the Constitution ;

Which were read once and ordered to a second reading.

#### CALL OF THE DISTRICTS.

Bills were introduced :

By Mr. Coleman—

S. B. 187. To provide for the election of a town marshal in the town of Athens, Limestone county.

By Mr. Moore—

S. B. 188. To fix the time of holding the circuit courts in the fourth judicial circuit ;

Also,

S. B. 189. To amend section 1 of " an act to incorporate the town of Courtland, in the county of Lawrence," approved December 16, 1873.

By Mr. Carmichael—

S. B. 190. For the relief of justices of the peace in the county of Dale ;

Also,

S. B. 191. To repeal section 1374 of the Revised Code of Alabama, so far as it relates to the county of Dale ;

Which were severally read the first, second and third times, under a suspension of the constitutional rule, and passed.

By Mr. Curtis—

S. B. 192. For the relief of Seaburn A. Edwards of Perry county, as administrator of the estate of A. M. Mahan ;

Which was read the first, second and third times, under a

suspension of the constitutional rule, and passed—yeas 15, nays 10.

Those who voted for the passage of the bill are—

Messrs. Black, Cobb, Cunningham, Curtis, Dereen, Edwards, Farden, Green, Haralson, Harris of Russell, Inzer, Leftwich, Martin, Royal and Terrell—15.

Those who voted in the negative are—

Messrs. Carmichael, Coleman, Driesbach, Ervin, Glass, Grayson. Little, Moore, Parks and Walton—10.

#### MESSAGE FROM THE SENATE

By Mr. Garrett :

Mr. President :

The House has originated and passed a bill—

H. B. 91. To change the county line between the counties of Conecuh and Covington.

It has also adopted—

Joint resolutions to provide for the raising of a joint committee of the two Houses of the General Assembly, to examine into and report a bill, if necessary, in regard to the board of equalization.

Committee on the part of the House, Messrs. Maples, Woolf and Bruce.

Also,

Joint resolution instructing our Senators and Representatives in Congress to use their influence to defeat the civil rights bill now pending in the House of Representatives of the United States.

Also,

Joint memorial to Congress to grant a pension to the surviving soldiers and sailors of the Mexican war.

And has adopted the following resolution—

Resolved, by the House of Representatives, the Senate concurring, That a committee of five be appointed by the chair, to act in conjunction with a similar committee of the Senate, to whom all bills, petitions, &c., relative to the sale, or prohibition of the sale, of liquor, shall be referred.

Committee, Messrs. Maples, Wilson, Kirkland, Matthews and Cashin.

ELLIS PHELAN,  
Clerk.

Bills were introduced :

By Mr. Coleman—

S. B. 193. To amend section 1059 of the Revised Code of Alabama.

Also,

S. B. 194. To regulate changes of venue.

Also,

S. B. 195. To prevent the burning of any car, train of cars, car shed, cotton shed, cotton house, cotton pen, or corn pen.

Also,

S. B. 196. To provide for a place of safety for defendants acquitted on account of insanity, on the plea of insanity.

By Mr. Black—

S. B. 197. To abolish the city court of Eufaula, and to transfer all the causes therein pending, both civil and criminal, together with all the dockets, papers and books of the said city court, to the circuit court of Barbour county, Alabama.

By Mr. Cunningham—

S. B. 198. To regulate the registering, receiving and retiring of all claims, other than State obligations, which are or may be by law made receivable in payment of fines and forfeitures, in any of the courts of this State.

By Mr. Terrell—

S. B. 199. To repeal an act entitled “an act to protect the planters in this State from imposition in the sale of fertilizers,” approved March 8, 1871 ;

Which were severally read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Revision of Laws.

By Mr. Cunningham—

S. B. 200. To amend section three of an act entitled “an act to amend the charter of the city of Talladega,” approved February 8, 1872, and to repeal all laws in contravention thereto ;

Which was read the first and second times, under a suspension of the constitutional rule, and referred to the Committee Municipal and County Organizations.

By Mr. Robinson—

S. B. 201. For the protection of agricultural laborers ;

Which was read the first and second times, under a suspension of the constitutional rule.

Mr. Little moved to amend by inserting after the word “landlord,” the word “employer.”

The bill and amendment were referred to the judiciary committee.

By Mr. Glass—

S. B. 202. To prohibit the sale of liquors at Society Hill, Alabama.

By Mr. Walton—

S. B. 203. To fix the time of trial of criminal cases in the circuit court of Choctaw county.

By Mr. Hamilton—

S. B. 204. To amend sections one and three of “an act to extend the jurisdiction, powers and duties of the harbor master and port wardens of Mobile,” approved March 3, 1870.

By Mr. Carmichael—

S. B. 205. For the relief of Margaret E. Callen, a minor of Henry county, between seventeen and eighteen years of age ;

Which were severally read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Local Legislation.

By Mr. Leftwich—

S. B. 206. To regulate the fees of constables in the county of Greene.

By Mr. Carmichael—

S. B. 207. To prevent certain acts of local legislation in which individuals only are interested ;

Which were severally read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on the Judiciary.

By Mr. Parks—

S. B. 208. For the relief of John W. A. Jackson ;

Which was read the first and second times, under a suspension of the constitutional rule, and referred to a special committee consisting of Messrs. Parks, Farden and Terrell.

By Mr. Cobb—

S. B. 209. To authorize and empower the auditor to audit and ascertain the amount of taxes due from the South & North Alabama Railroad Company to the State, and the amount of interest due from the State to said railroad company upon the past due coupons of the bonds of the State owned by the said railroad company, and to set off one against the other.

By Mr. Cunningham—

S. B. 210. To restrict the assessment, levy or collection of taxes and licenses for county purposes, in the county of Talladega, and to repeal an act entitled “an act to restrict the counties to a certain rate of taxation,” approved April 19, 1873, in so far as the same relates to the county of Talladega.

Also,

S. B. 211. To provide for the payment of taxes and licen-

sea assessed or payable for county purposes in the county of Talladega, with certain claims against said county, and to repeal all laws in contravention therewith, in so far as they relate to the said county ;

Which were severally read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Finance.

#### REPORTS OF COMMITTEES.

Mr. Hamilton, from the Judiciary Committee, reported a substitute for the bill—

S. B. 37. To ratify the compromise of a certain chancery suit, to which the city of Tuscaloosa is a party, and to authorize the issue of city bonds for such purpose.

The substitute was adopted, the constitutional rule suspended, the bill read the third time and passed.

The caption of the substitute reads as follows :

S. B. 37. To authorize the Mayor and Alderman of the city of Tuscaloosa to issue bonds of said city in compromise of a certain chancery suit, to which said city is a party, in the chancery court for the 6th District of the Western Chancery Division of Alabama.

Mr. Hamilton, from the same committee, reported favorably to the bills—

S. B. 83. To provide for the administration of the criminal laws, by the suspension of solicitors, and the appointment of solicitors pro tem., when necessary.

S. B. 123. To repeal an act entitled “an act to regulate the publication of legal notices in the counties of Shelby, Walker, Baker, DeKalb, Cleburne, Marshall, Winston, Franklin, Coosa, Marion, Jefferson, St. Clair, Geneva, Bibb, Covington, Coffee, Dale and Lawrence.

S. B. 126. To amend section 3705 of the Revised Code of Alabama.

S. B. 10. To amend section 2984 of the Revised Code of Alabama ;

Which were severally read the third time, under a suspension of the constitutional rule, and passed.

Mr. Hamilton, from the same committee, reported a substitute for the bill—

S. B. 100. To create a lien in favor of employers of agricultural laborers.

The substitute was adopted ; the bill read a third time, under a suspension of the constitutional rule, and passed.

The caption of the substitute reads as follows :

S. B. 100. To create a lien in favor of employers of agricultural laborers, and lessors of lands.

Mr. Hamilton, from same committee, reported favorably, with an amendment, to the bill—

S. B. 42. To regulate the trial of causes, in the courts of chancery of this State.

Amend by striking out the second section.

The amendment was adopted ; the bill read the third time, under a suspension of the constitutional rule, and passed.

Mr. Hamilton, from the same committee, reported a bill as a substitute for the second section of the above bill, with the following title :

S. B. 42. To provide for the revision of the rules of the chancery practice.

The substitute was adopted ; read the third time, under a suspension of the constitutional rule, and passed.

Mr. Hamilton, from same committee, reported a substitute for the bill—

S. B. 101. To prevent the wrongful disposing of agricultural products, and other personal property.

Mr. Farden moved to make the report, bill and substitute, the special order for Friday, 12 o'clock, m.

On motion of Mr. Cobb, the motion was laid on the table. Yeas 23—nays 4.

Those who voted in the affirmative are—

Messrs. Carmichael, Cobb, Coleman, Cunningham, Dreisbach, Edwards, Ervin, Golson, Grayson, Hamilton, Harris of Lee, Harris of Russell, Inzer, Leftwich, Little, Martin, Moore, Parks, Robinson, Royal, Snodgrass, Terrell and Walton—23.

Those who voted in the negative are—

Messrs. Black, Curtis, Farden and Haralson—4.

The hour of twelve having arrived—

On motion of Mr. Little, the orders of the day were suspended, to continue the consideration of the bill before the Senate, viz : S. B. 101.

On motion of Mr. Cobb, the bill and substitute were made the special order for to-morrow morning at eleven o'clock.

#### ORDERS OF THE DAY.

The bill—

S. B. 18. To repeal an act entitled "an act to regulate the confinement and discharge of persons charged with misdemeanors," approved December 17th, 1873 ;

Was ordered to a third reading, and made the special order for 12 o'clock to-morrow.



## MESSAGE FROM THE HOUSE

By Mr. Garrett,

Mr. President :

The House has originated and passed the following bill :

H. R. 127. To amend "an act to incorporate the Selma Chamber of Commerce," approved December 7th, 1861.

ELLIS PHELAN,  
Clerk.

The bill—

S. B. 77. To amend section 3706 of the Revised Code of Alabama.

Was taken up.

Mr. Curtis moved to amend by adding " provided the provisions of the bill, shall not take effect until the first day of July, 1875."

Mr. Little moved to amend the amendment by inserting the word " March," in the place of the word "July " ;

Which was adopted.

Mr. Robinson moved to lay the amendment on the table.

Lost. Yeas 9—nays 19.

Those who voted yea are—

Messrs, Coleman, Edwards, Golson, Grayson, Harris of Lee, Moore, Parks, Robinson and Terrell —9.

Those who voted nay are—

Messrs. Black, Carmichael, Cobb, Cunningham, Curtis, Driesbach, Ervin, Farden, Glass, Green, Hamilton, Haralson, Harris of Russell, Inzer, Leftwich, Martin, Royall, Snodgrass and Walton—19.

The amendment was adopted.

Mr. Farden moved to strike out the words " twenty-five" and insert " one hundred."

On motion of Mr. Little, the amendment was laid on the table.

The constitutional rule was suspended, and the bill read a third time.

Mr. Farden moved to make the bill the special order for Friday.

On motion of Mr. Martin, the motion was laid on the table.

The bill passed.

Mr. Martin moved to reconsider the vote by which, the bill passed.

On motion of Mr. Coleman, the motion was laid on the table.

On motion of Mr. Parks the Senate adjourned till quarter pas ten o'clock to-morrow morning.

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THURSDAY, December 3rd, 1874.

The Senate met pursuant to adjournment.

Prayer by Rev. Dr. Gwin.

On a call of the roll, the following members answered to their names :

Messrs. Black, Carmichael, Cobb, Coleman, Cooper, Cunningham, Curtis, Dereen, Driesbach, Edwards, Ervin, Farden Glass, Golson, Green, Hamilton, Haralson, Harris of Russell, Jones, Leftwich, Little, Martin, Moore, Parks, Robinson, Royal and Snodgrass—27.

The journal of Wednesday was read and approved.

The resolution offered yesterday, amending the thirty-first rule of the Senate, was taken up.

Mr. Dereen offered the following as a substitute, which was adopted :

Resolved, That rule thirty-one of the Senate be amended, by striking, out the words "enter upon the journal," and inserting in lieu thereof the word "report," in the sixth line.

The resolution was then adopted.

Leave of absence was granted Mr. Harris of Lee, for an indefinite period, on account of sickness.

#### CALL OF THE DISTRICTS.

Bills were introduced.

By M. Grayson—

S. B. 212. To make certain warrants and certificates receivable in payment of the county taxes of Montgomery county ;

Which was read the first time and ordered to a second reading.

By Mr. Cooper—

S. B. 213. To make the sale or delivery of vinous, spirituous, alcoholic, or other intoxicating liquors, an indictable offence, punishable by fine and imprisonment, if sold or delivered to minors, or suffered to be drunk by minors on or about the premises;

Which was read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Temperance.

By Mr. Cooper.

S. B. 214. Fixing the liability of keepers of billiard tables for pay, or as connected, as an appendage, to a drinking saloon ;

Also,

S.B.215. To secure the payment of fines and forfeitures in cases of illicit distilling, retailing and suffering minors to play on billiard tables kept for pay, or as an appendage to a drinking saloon ;

Also,

S. B. 216. To authorize Mrs. Sallie A. Lowe, administratrix of the estate of George W. Lowe, deceased, to sell lands,

By Mr. Little—

S. B. 217. To repeal "an act to amend sections 4377 and 4390 of the Revised Code of Alabama," approved October 10, 1868, and re-enact said sections of the Code.

By Mr. Ervin—

S. B. 218. To authorize Burgess Bennett, senior, guardian of Burgess Bennett, junior, and Lucy Bennett, to sell real estate belonging to his said wards.

By Mr. Carmichael—

S. B. 219. To repeal an act entitled "an act to amend section 2931 of the Revised Code of Alabama," approved September 16, 1868 ;

Which were severally read the first and second times, under a suspension of the constitutional rule, and referred to the Judiciary Committee.

By Mr. Inzer—

S. B. 220. To prohibit the sale, gift or barter of intoxicating liquors within two miles of the Academy in the town of Jasper, Walker county, Alabama ;

Also,

S. B. 221. To separate the county of Walker from the Western Chancery Division, and attach it to the Northern Chancery Division of the State of Alabama ;

Also,

S. B. 221 ½ . To fix the time of holding the chancery court for the eleventh District of the Northern Chancery Division of the State of Alabama.

S. B. 222. To authorize the administrators of the several estates of Thomas Goodwin and John Goodwin, deceased, to

settle the partnership transactions of the decedents in lands of their estates, and to sell said lands at private sale.

By Mr. Hamilton—

S. B. 223. To repeal sections 2534, 2536, 2571 and 3323 of the Revised Code of Alabama ;

Which were read the first, second and third times, under a suspension of the constitutional rule, and passed.

By Mr. Inzer—

S. B. 224. To amend section 2233 of the Revised Code ;

Also,

S. B. 225. To amend section 2363 of the Revised Code of Alabama ;

Which were read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Revision of the Laws.

By Mr. Robinson—

S. B. 226. For the relief of H. M. Meadows, late tax collector of Elmore county.

By Mr. Moore—

S. B. 227. Fixing the rate of taxation on real and personal property in this State :

Which were severally read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Finance.

By Mr. Harris of Russell—

S. B. 228. To authorize Charles T. Abercrombie, administrator of Anderson Abercrombie, deceased, of Russell county, to sell lands at private sale ;

Which was read the first and second times, under a suspension of the constitutional rule.

Mr. Robinson moved to lay the bill on the table ;

Lost.

The bill was referred to the Judiciary Committee.

By Mr. Coleman—

S. B. 229. To execute the power of disposal of the lands, granted by an act of Congress, entitled “an act granting public lands, in alternate sections, to the State of Alabama, to aid in the construction of certain railroads in said State,” approved June 3, 1856, which power of disposal is conferred upon the Legislature of Alabama by said act of Congress ;

Which was read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Federal Relations.

By Mr. Moore—

S. B. 230. To repeal an act entitled “an act to furnish the

aid and credit of the State of Alabama, for the purpose of expediting the construction of railroads within the State ;”

Which was read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Internal Improvements.

The substitute reported by the Judiciary Committee for the bill—

S. B. 101. To prevent the wrongful disposing of agricultural products and other personal property ;

Was adopted.

Mr. Little moved to amend as follows : After the words “carry away,” in the third line, insert the words “from the field where it may be growing, or the place where deposited, after it has been detached from the soil ;”

The amendment was adopted.

Mr. Little moved to amend as follows : At the end of the first section add the words, “Provided, That the provisions of this act shall not apply to the sale and purchase of family supplies in public markets in incorporated cities and towns.”

Mr. Farden moved to strike out the words “public markets” in the amendment offered.

On motion of Mr. Little, the amendment to the amendment was laid on the table.

Mr. Farden moved to amend the amendment by striking out the word “incorporated.”

On motion of Mr. Little, the amendment to the amendment was laid on the table.

The proviso was then adopted.

Mr. Martin offered the following as a preamble to the bill, which was adopted :

Amend, by prefacing section 1, with the following preamble :

“WHEREAS, It is a duty of paramount importance that the General Assembly of Alabama should provide adequate protection to the agricultural interests of the State ; and

“Whereas, The depredations committed in the way of petty thefts have been carried so far as to demand prompt and vigorous measures for their suppression ; and

“Whereas, In the opinion of this General Assembly, no adequate remedy can be found, except by regulations of general application controlling hours of trade ; therefore”

Mr. Haralson moved to reconsider the vote by which the proviso at the end of the first section was adopted ;

Lost.

Mr. Haralson offered the following proviso :

“And provided, further, That nothing in any of the pro-

visions of this act shall prevent any person from selling any agricultural products belonging to himself, and where the right of property is not contested, and by showing a proper receipt from employers or other good title."

On motion of Mr. Little, the amendment was laid on the table.

Mr. Farden offered the following amendment:

Sec. 2. Be it further enacted, That the hour of 4 o'clock, a. m., and the hour of 8 o'clock, p. m., from April 1st till December 1st, of each year ; and the hour of 5, a. m., and 7 p m., from December 1st till April 1st, of each year, shall be considered as the hours of sunrise and sunset, as provided by this act.

On motion of Mr. Martin, the amendment was laid on the table.

On motion of Mr. Cobb, the vote adopting the proviso to section first was reconsidered.

Mr. Haralson moved to recommit the bill to the judiciary committee.

On motion of Mr. Martin, the motion was laid on the table.

Mr. Robinson offered the following as a substitute for the first section of the bill :

"Sec. 1st. Be it enacted by the General Assembly of Alabama, that any person who shall buy, sell, receive, barter or dispose of any cotton, corn, wheat, oats, peas, or potatoes, after the hour of sunset and before the hour of sunrise of next ensuing day, shall be guilty of a misdemeanor, and on conviction shall be fined not less than ten, nor more than five hundred dollars, and may also be imprisoned in the county jail, or put to hard labor for the county, for not more than twelve months."

The substitute was adopted, and the bill ordered to a third reading on to-morrow.

#### MESSAGE FROM THE HOUSE,

By Mr. Phelan—

Mr. President :

The House has originated and passed a bill,  
H B. 138. To authorize the transfer of causes from the city court of Montgomery to the circuit court of Montgomery county, in certain cases.

ELLIS PHELAN, Clerk.

The bill —

S. B. 18. To repeal an act entitled "an act to regular the confinement and discharge of persons charged with misdemeanors," approved December 17, 1873,

Was taken up.

Mr. Haralson moved to indefinitely postpone the bill.

On motion of Mr. Coleman, the motion was laid on the table.

The bill was read the third time.

Mr. Haralson moved to lay the bill on the table.

Lost. Yeas 9, nays 19.

Those who voted in the affirmative are—

Messrs. Curtis, Farden, Glass, Green, Haralson, Inzer, Jones, Leftwich and Royal—9.

Those who voted in the negative are—

Messrs. Black, Carmichael, Cobb, Coleman, Cunningham, Driesbach, Edwards, Ervin, Golson, Grayson, Hamilton, Harris of Russell, Little, Martin, Moore, Robinson, Snodgrass, Terrell and Walton—19.

Mr. Farden moved to adjourn.

Lost.

The bill passed. Yeas 17, nays 12.

Those who voted in the affirmative are—

Messrs. Black, Carmichael, Cobb, Coleman, Cunningham, Driesbach, Edwards, Grayson, Hamilton, Harris of Russell, Inzer, Little, Martin, Moore, Robinson, Snodgrass and Terrell—17.

Those who voted in the negative are—

Messrs. Cooper, Curtis, Ervin, Farden, Glass, Golson, Green, Haralson, Jones, Leftwich, Royal and Walton—12.

Mr. Coleman, moved to reconsider the vote by which the bill passed.

Mr. Robinson moved to lay the motion on the table, which motion prevailed.

Mr. Marlin, by leave, call up the House bill—

H. B. 138. To authorize the transfer of causes from the city court of Montgomery to the circuit court of Montgomery county, in certain cases ;

Which was read the first and second times, under a suspension of the constitutional rule, and referred to the Judiciary Committee.

Mr. Haralson offered an amendment, striking out the word "Montgomery," and making the provisions of the bill applicable to all judges of the courts of this State, which was referred with the bill.

S. B. 186½. The joint resolution proposing amendments to the constitution,

Was read the second time and referred to the joint committee of the two Houses on this subject.

Mr. Cobb, from the Committee on Federal Relations, to whom was referred that part of the Governor's message relating to the communication of the Secretary of the Treasury of the United States, on the subject of submarine sites for light houses, within the limits of this State, reported the following bill—

S. B. 229½. To authorize (the cession to the United States of the title of this State to submarine sites for light houses, and other aids to navigation, within the limits of this State ;

Which was read the first, second and third times, under a suspension of the constitutional rule, and passed.

Mr. Cobb, from the Judiciary Committee, reported a substitute for the bill—

S. B. 48. To provide for good and sufficient bonds of county officers.

On motion of Mr. Cobb, the bill and substitute were made the special order for Monday next, at 12 o'clock, m.

By leave, Mr. Cobb introduced a bill—

S. B. 21. To change and straighten the line between the counties of Baker and Dallas ;

Which was read the first, second and third times under a suspension of the constitutional rule.

On motion of Mr. Farden, the Senate adjourned till 10¼ o'clock to-morrow morning.

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FRIDAY, December 4, 1874.

The Senate met pursuant to adjournment.

Prayer by Rev. Dr. Gwin.

On a call of the roll, the following senators answered to their names :

Messrs. Black, Carmichael, Cobb, Coleman, Cooper, Cunningham, Curtis, Driesbach, Edwards, Ervin, Farden, Glass, Grayson, Green, Hamilton, Harris of Russell, Inzer, Jones, Leftwich, Little, Martin, Moore, Parks, Robinson, Royal, Snodgrass, Terrell and Walton—28.

The journal of yesterday was read and approved.

Mr. Cobb, by leave, offered the following resolution, which was adopted :

Resolved, That a committee of three be appointed by the President, with instructions to enquire into the condition of the State's liability and obligations on account of the Ala-



bama & Chattanooga Railroad Company, as well as the securities held by the State, and report whether or not any legislation is necessary for the preservation or protection of the rights and interests of the State.

Committee: Messrs. Cobb. Hamilton and Ervin.

On motion of Mr. Little, that part of the Governor's message relating to the Alabama & Chattanooga Railroad, was referred to the same committee.

Mr. Hamilton, by leave, offered the following resolution, which was adopted :

Resolved, That the Governor be respectfully requested to cause the Senate to be informed, at as early a day as practicable, how many convicts have escaped from the penitentiary farm, the crimes of which such persons were convicted, and the term of confinement to which they were sentenced, and the date of their escape respectively.

Mr. Snodgrass, by leave, offered the following joint resolutions, which were adopted :

1st. Resolved, by the Senate, the House concurring, That a joint committee be raised consisting of two from the Senate, and three from the House of Representatives whose duty it shall be to inquire into, and report the extent of authority given by the late Executive of this State, for the employment of additional clerks in the State Departments, with the amount of funds appropriated for the payment for such services.

2d. Resolved further, That it shall also be the duty of said committee, to inquire into, and report the state of any funds that may have been provided by legislative enactments, or otherwise, to pay contingent expenses, and to report how much of the same has been appropriated, and for what purposes.

Committee on the part of the Senate—Messrs. Snodgrass, Golson, and Carmichael.

On motion of Mr. Hamilton, the regular order of business was postponed, to allow committees to import.

Mr. Hamilton, from the Judiciary Committee, reported favorably to the bill—

S. B. 168. To amend section 2376 of the Revised Code of Alabama, so as to make it apply to contracts for tuition of children ;

Which was read the third time, under a suspension of the constitutional rule, and passed.

#### MESSAGE FROM THE HOUSE

By Mr. Whitman :

Mr. President :

The House has concurred in the Senate joint resolution—

In relation to the appointment of a joint committee of the two Houses, to investigate and report upon the liability of the State on account of endorsement of railroad bonds.

Committee on the part of the House, Messrs. Barnett, Mitchell, Betts and Clements.

Also, in Senate Resolution.

Appointing the committees on the Judiciary and Local Legislation of each House, respectively, to whom should be referred that part of the Governor's Message relating to the adoption and printing of the Revised Code.

ELLIS PHELAN,  
Clerk.

Mr. Inzer, from the Special Committee, to whom was referred the petition of Edmund W. Martin, made the following

#### REPORT:

Mr. President:

A majority of the Committee on Privileges and Elections, to which was referred the petition of Edmund W. Martin, praying that he be seated as the Senator for the 31st District, in the place of William Miller, Jr., (who now claims to hold said seat) with instructions to investigate the subject, and report what action, if any, is required on the part of the Senate, to redress the grievance complained of, have had the same under consideration, with the aid of learned counsel, who appeared in behalf of Mr. Miller, and respectfully report, that from an examination of the journal of the Senate, we find the following to be the facts attending the contest for the seat aforesaid, between said Martin and Miller, referred to in the petition of the former.

Upon the re-organization of the Senate, on Tuesday, the 17th day of December, 1872, Mr. Martin presented and filed with the secretaries pro tem., Messrs. Blue and Woods, his certificate of election, at the election held on the 5th day of November, 1872, as prescribed by the election law of 1868, and thereupon took his seat in the Senate as Senator from the 31st Senatorial District. As such Senator, he participated in the proceedings of the Senate, in its organization, on 18th day of December, 1872.

In the journal of that date, it is declared that Mr. Miller shall retain his seat, as Senator for the 31st District, subject to the right of contest, on the part of Mr. Miller. On the

same day, it was resolved by the Senate, that Mr. Miller should be allowed twenty days from that date, to commence a contest for the said seat, and thereupon, the Secretary of the Senate was instructed to notify the House of Representatives that the Senate was then organized.

On the 19th day of December, 1872, a committee of four Senators was directed to be raised to take into consideration the right of Mr. Miller to the seat he claimed. The President appointed on that committee, Messrs. Duskin, Parks, Pennington and Terrell. On the 20th day of December Messrs. Duskin and Terrell were excused from serving on that committee, and Messrs. Gilmore and Edwards were appointed in their places. On the 21st day of December, the two Houses adjourned to the 13th day of January, 1873.

The Senate re-assembled on the day appointed, and regularly, from day to day, continued its sessions, until the 31st day of January, 1873. During all this time, from the 17th day of December, 1872, Mr. Martin filled the seat for the 31st District, as its Senator. On the 27th day of January, 1873, Messrs. Parks and Edwards presented their report, on the respective rights of Messrs. Martin and Miller, to the seat claimed by each of them.

On the 28th day of January, 1873, Mr. Pennington submitted a separate report on the same matter. Messrs. Parks and Edwards reported that Mr. Martin was entitled to retain his seat, and that this right rested upon an ascertained majority of 269 votes, at the election by the people of his district, and reported a resolution to that effect. Mr. Pennington reported in favor of Mr. Miller taking the seat, and that his right rested upon informalities in receiving certain votes, which had been counted by the supervisors of the election, in favor of Mr. Martin, and which were necessary to give the majority Messrs. Parks and Edwards reported to exist in his favor.

Your committee mention the grounds presented in the reports of the committee to which the contest had been referred, because they may have important influence in considering the memorial of Mr. Martin in the condition in which the journal shows the contest to have been left by the Senate.

On the 29th day of January, 1873, the two reports from that committee, were taken from the table, and read to the Senate. The Senator from Wilcox moved that the resolution offered by Messrs Parks and Edwards be adopted by the Senate. The Senator from Dallas moved, as a substitute for that motion, the adoption of the report of Mr. Pennington. Pending the consideration of that motion, the Senate adjourned until the next day.

On the 30th day of January, 1873, the motion of the Senator from Dallas, to adopt the report of Mr. Pennington, as a substitute for the motion to adopt the resolution submitted by Messrs. Parks and Edwards, in their report, was taken up, and carried, by a vote of 16 to 14.

A motion to reconsider that vote was immediately made by a Senator who had voted with the majority. Pending the discussion of this motion to re-consider, the Senate adjourned to the next day.

On the 31st day of January, 1873, after the call of the roll, and the approval by the Senate of the journal of the preceding day, (thirty Senators having answered to their names) the then President of the Senate, decided the motion to reconsider the vote taken the day before on the motion of the Senator from Dallas, to substitute, was out of order, and declined to put the motion to the Senate. The Senator who moved the reconsideration, appealed from the decision of the President, but the President refused to put the appeal to the Senate. The Senator from Pike made the point of order that the question then recurred on the motion to adopt the resolution submitted by Messrs. Parks and Edwards, with their report, as amended by the adoption of the substitute. The President overruled this point of order, from which the Senator from Pike appealed to the Senate. The President refused to put this appeal. The journal states that Mr. Miller then appears in the Senate Chamber, was qualified and took his seat as Senator from the 31st Senatorial District.

The journal of the Senate for that session contains the protest of sixteen Senators (which, in fact, was a majority of the Senate, though at the time of these occurrences, one of them was, by leave, absent ) against the course pursued by the President of the Senate in relation to the contest for this seat, and recites substantially the facts as herein before stated, which have been taken from the daily journal of the Senate. This protest was entered upon the journal, in pursuance of notice given on the floor of the Senate, upon the day when the occurrence took place.

No evidence exists to show that the Senate, even at any time, took any other action in relation to this contest, or made any other decision than is herein stated.

Your committee therefore report that Mr. Miller has never been seated by any judgment of the Senate, nor has the right of Mr. Martin to the seat for the 31st district even been adjudged by the Senate, adversely to him, but Mr. Miller has occupied the seat solely by the rulings of the President, in which the Senate had no voice, and as to which, by the rul-

ings of that officer, the voice of the Senate was not allowed to be heard.

By the Constitution of this State the Senate is the exclusive judge of the qualifications, elections, and returns of its own members. The President of the Senate is the Lieutenant Governor of the State, but, is not a member of the Senate. He is not authorized to take from the Senate the decision of any question, that belongs to it, as a deliberative body, much less has he power to pronounce for it, and without its vote, any decision, that should be pronounced by it, in its judicial capacity, and of which it has exclusive jurisdiction.

Your committee are therefore constrained to report, that the right of Mr. Martin to the seat for the 31st District, evidenced by his certificate of election, has never been decided adversely to him by any authority which this Senate should respect, now that he petitions it for the recognition of his right.

Your committee do not find that Mr. Martin's right has been impaired by lapse of time, or by any act of his, in recognition of the right of Mr. Miller to the seat from that district. They are not advised of any statute of limitations in bar of the right of Mr. Martin, or of the good people of that district, to have the man of their choice to speak for them in the deliberations and enactments of this Senate, or in bar of the Senate, in the performance of a duty by him and them claimed at its hands. No estoppel can be pleaded in any court, in bar of performing a public duty when rightfully demanded, so long as the matter remains pending and undecided; and certainly the solemn protest of Senators upon their journal, against alleged usurpation of power by their presiding officer, preserved the members of the Senate from conclusions of acquiescence, that should debar them from now exercising their exclusive function of passing upon the contest, and holding the Senate to the assertion of a judgment which it never pronounced. If a Senate may expunge from its journals resolutions of unjust censure of a public magistrate, years after they were, in fact, adopted, it certainly is competent to a similar body, in the vindication of its lawful rights and duty, and in the maintenance of the rights of the citizens, which lie at the basis of republican government, to declare the truth of its own action, and proceed to the performance of a duty, begun indeed, but not yet performed and still pending. If a court may, on a motion for a new trial, pending at its adjournment, at a subsequent term proceed to a review of its former action, much more may this Senate, as a court, proceed in the exercise of its jurisdiction, and decide

an unsettled and pending controversy, as to the right of membership, in its own body.

Your committee recommend the adoption of the following resolutions;

Resolved, 1st. That there is nothing in the journal and proceedings of this Senate, to show that the right of Edmund W. Martin to the seat for the 31st Senatorial District, as derived from the certificate of election, presented and filed by him, on the 18th day of November, 1872, and afterwards on the 17th day of December, 1872, has been impaired or destroyed.

Resolved, 2d. That the Senate now proceed with the contestation between William Miller, jr., and Edward W. Martin, for the seat in this Senate for the 31st Senatorial District, and adjudge upon the rights of said parties to said seat, as the same may be found to be established.

All of which is respectfully submitted.

J. W. INZER,  
A. CUNNINGHAM,  
J. J. ROBINSON,  
Committee.

Mr. Farden moved to postpone, until after the reading of the journal on to-morrow, any further action on the report.

On motion of Mr. Inzer, the motion was laid on the table.

Yeas 21, nays 8.

Those who voted in the affirmative are—

Messrs. Carmichael, Cobb, Coleman, Cooper, Cunningham, Curtis, Driesbach, Edwards, Ervin, Golson, Grayson, Hamilton, Inzer, Little, Martin, Moore, Parks, Robinson, Snodgrass, Terrell and Walton—21.

Those who voted in the negative are —

Messrs. Black, Dereen, Farden, Glass, Haralson, Jones, Leftwich and Royal—.

Mr. Farden moved to postpone till 12 o'clock to-morrow, and make it the special order for that hour.

On motion of Mr. Cobb, the motion was laid on the table.

Yeas 23, nays 6.

Those who voted in the affirmative are—

Messrs. Carmichael, Cobb, Coleman, Cooper, Cunningham, Driesbach, Edwards, Ervin, Golson, Grayson, Green, Hamilton, Haralson, Inzer, Little, Martin, Moore, Parks, Robinson, Royal, Snodgrass, Terrell and Walton—23.

Those who voted in the negative are—

Messrs. Black, Curtis, Dereen, Farden, Jones and Leftwich—6.

The report of the committee was concurred in. Yeas 20, nays 11.

Those who voted in the affirmative are—

Messrs. Carmichael, Cobb, Coleman, Cooper, Cunningham, Driesbach, Edwards, Ervin, Grayson, Hamilton, Harris of Russell, Inzer, Little, Martin, Moore, Parks, Robinson, Snodgrass, Terrell and Walton—20.

Those who voted in the negative are—

Messrs. Black, Curtis, Dereen, Farden, Glass, Golson, Green, Haralson, Jones, Leftwich and Royal—11.

#### MESSAGE FROM THE HOUSE,

By Mr. Phelan :

Mr. President :

The House has originated and passed the following bills:

H. B. 42. To require the Auditor of the State to draw his warrant on the State Treasurer, in favor of the County Treasurer of Marion county, for \$1109 68-100 (eleven hundred and nine 68-100 dollars,) on account of the school fund of said county.

H. B. 154. For the relief of the tax payers of Talladega county.

ELLIS PHELAN,  
Clerk.

Mr. Black moved to adjourn till 10¼ o'clock to-morrow. Lost. Yeas 5, nays 26.

Those who voted in the affirmative are—

Messrs. Black, Farden, Glass, Jones and Royal—5.

Those who voted in the negative are—

Messrs. Carmichael, Cobb, Coleman, Cooper, Cunningham, Curtis, Dereen, Driesbach, Edwards, Ervin, Golson, Grayson, Green, Hamilton, Haralson, Harris of Russell, Inzer, Leftwich, Little, Martin, Moore, Parks, Robinson, Snodgrass, Terrell and Walton—26.

Mr. Black moved to postpone till one o'clock to-morrow.

On motion of Mr. Cobb, the motion was laid on the table.

The first resolution reported by the committee was adopted. Yeas 20, nays 11.

Those who voted in the affirmative are—

Messrs. Carmichael, Cobb, Coleman, Cooper, Cunningham, Driesbach, Edwards, Ervin, Grayson, Green, Hamilton, Inzer, Little, Martin, Moore, Parks, Robinson, Snodgrass, Terrell and Walton—20.

Those who voted in the negative are—

Messrs. Black, Curtis, Dereen, Farden, Glass, Golson, Haralson, Harris of Russell, Jones, Leftwich, Royal—11.

The second resolution was adopted. Yeas 22, nays 9.

Those who voted in the affirmative are—

Messrs. Carmichael, Cobb, Coleman, Cooper, Cunningham, Driesbach, Edwards, Ervin, Grayson, Green, Hamilton, Haralson, Harris of Russell, Inzer, Little, Martin, Moore, Parks, Robinson, Snodgrass, Terrell and Walton—22.

Those who voted in the negative are—

Messrs. Black, Curtis, Dereen, Farden, Glass, Golson, Jones, Leftwich and Royal— 9.

Mr. Black moved to adjourn till quarter past ten o'clock tomorrow.

Lost.

Mr. Cobb called up the motion made by him, to reconsider the vote taken on January 30th, 1818, on the adoption of the report of J. L. Pennington as a substitute for the report of Messrs. Parks and Edwards.

The question then before the Senate was, shall the vote be reconsidered.

Mr. Farden moved to postpone till after the reading of the journal to morrow, any further action on this question.

Mr. Cooper moved to lay the motion to postpone on the table ;

Which motion prevailed. Yeas 21, nays 5.

Those who voted in the affirmative are—

Messrs. Carmichael, Cobb, Coleman, Cooper, Cunningham, Driesbach, Edwards, Ervin, Golson, Grayson, Hamilton, Haralson, Inzer, Little, Martin of Tuscaloosa, Moore, Parks, Robinson, Snodgrass, Terrell and Walton—21.

Those who voted in the negative are—

Messrs. Curtis, Dereen, Farden, Glass and Leftwich—5.

The vote was reconsidered.

Mr. Ervin moved to lay in the table the motion of Mr. Haralson to adopt the report of Mr. Pennington, as a substitute for the resolutions of Messrs. Parks and Edwards, which motion of Mr. Haralson was made on the 29th day of January, 1873.

The motion prevailed. Yeas 19, nays 7.

Those who voted in the affirmative are—

Messrs. Carmichael, Cobb, Coleman, Cooper Cunningham, Driesbach, Edwards, Ervin, Grayson, Hamilton, Inzer, Little, Martin of Tuscaloosa, Moore, Parks, Robinson, Snodgrass, Terrell and Walton—19.

Those who voted in the negative are—



Messrs. Curtis, Dereen, Farden, Glass, Golson, Haralson and Leftwich—7.

On motion of Mr. Ervin, the resolution reported by Messrs. Parks and Edwards, on the 29th of January, 1873, was taken up, which reads as follows :

Resolved, That Edmund W. Martin, the present sitting member, is legally and constitutionally elected for the 31st Senatorial District, and is entitled to his seat as a member of this body for the term prescribed by law.

Mr. Dereen moved to postpone till twelve o'clock to-morrow, and make it the special order for that hour.

On motion of Mr. Robinson, the motion to postpone was laid on the table—yeas 16, nays 11.

Those who voted in the affirmative are—

Messrs. Carmichael, Cobb, Coleman, Cooper, Cunningham, Driesbach, Edwards, Ervin, Grayson, Inzer, Little, Martin of Tuscaloosa, Moore, Parks, Robinson and Walton—16.

Those who voted in the negative are—

Messrs. Dereen, Farden, Glass, Golson, Green, Hamilton, Haralson, Leftwich, Royal, Snodgrass and Terrell—11.

The resolution was adopted—yeas 19, nays 8.

Those who voted in the affirmative are—

Messrs. Carmichael, Cobb, Coleman, Cooper, Cunningham, Driesbach, Edwards, Ervin, Grayson, Hamilton, Inzer, Little, Martin of Tuscaloosa, Moore, Parks, Robinson, Snodgrass, Terrell and Walton—19.

Those who voted in the negative are—

Messrs. Dereen, Farden, Glass, Golson, Green, Haralson, Leftwich and Royal—8.

Mr. Terrell moved to reconsider the vote just taken.

On motion of Mr. Haralson, the motion was laid on the table—yeas 21, nays 5.

Those who voted in the affirmative are—

Messrs. Carmichael, Cobb, Coleman, Cooper, Cunningham, Driesbach, Edwards, Ervin, Grayson, Green, Hamilton, Haralson, Inzer, Little, Martin of Tuscaloosa, Moore, Parks, Robinson, Snodgrass, Terrell and Walton—21.

Those who voted in the negative are—

Messrs. Dereen, Farden, Golson, Leftwich and Royal—5.

On motion of Mr. Parks, the Senate adjourned till quarter past ten o'clock to-morrow morning.

SATURDAY, December 6, 1874.

The Senate met pursuant to adjournment.

Prayer by Rev. Dr. Gwin.

On a call of the roll, the following senators answered to their names :

Messrs. Cobb, Coleman, Cooper, Cunningham, Curtis, Dreisbach, Ervin, Glass, Grayson, Green, Hamilton, Harris of Lee, Harris of Russell, Inzer, Leftwich, Martin of Tuscaloosa, Moore, Parks, Robinson, Royal, Snodgrass, Terrell and Walton—23.

The journal of yesterday was read and approved.

#### MESSAGE FROM THE GOVERNOR

By his Private Secretary :

STATE OF ALABAMA,  
EXECUTIVE DEPARTMENT,  
MONTGOMERY, ALA., Dec. 6, 1874.

Mr. President :

I am directed by the Governor to communicate to the Senate a message in writing, accompanied by report of the Inspectors of the Alabama Penitentiary.

Respectfully,

L. R. DAVIS,  
Private Secretary.

Gentlemen of the Senate,  
of the State of Alabama :

In obedience to your resolution of the third instant, I have the honor to transmit you herewith, the annual report of the Inspectors of the Alabama Penitentiary, which it is believed will furnish to your honorable body all the information sought by the resolution.

I have the honor to be,

Yours, &c,  
GEO. S. HOUSTON,  
Governor of Alabama.

Leave of absence was granted Messrs. Haralson, Jones, Little and Golson.

Mr. Cooper offered the following resolution, which lies over one day :

Resolved, That no Senator shall employ more than one-half hoar in debate on any question in the Senate, unless by leave of the Senate. The Senator reporting the measure under consideration, from a committee, may close the debate, even if he had, before, occupied half an hour in debate.

### MESSAGE FROM THE HOUSE

By Mr. Whitman.

Mr. President :

The House has amended, as therein shown, and passed the Senate bill—

S. B. 52. To amend “an act to incorporate the city of Tuscaloosa,” approved March 12, 1873.

ELLIS PHELAN,  
Clerk.

On motion of Mr. Martin, the House amendments to the Senate bill—

S. B. 52. To amend an act entitled “an act to incorporate the city of Tuscaloosa,” approved March 12, 1873 ;

Were concurred in, and the House notified forthwith of the concurrence.

Mr. Dereen presented the following protest, which be moved to have spread on the journal :

The motion prevailed—yeas 15, nays 12.

Those who voted in the affirmative are—

Messrs. Black, Curtis, Dereen, Edwards, Ervin, Farden, Glass, Green, Harris of Russell, Leftwich, Martin of Tuscaloosa, Parks, Robinson, Royal and Terrell—15.

Those who voted in the negative are—

Messrs. Carmichael, Cobb, Coleman, Cunningham, Driesbach, Grayson, Hamilton, Harris of Lee, Inzer, Moore, Snodgrass and Walton—12.

To the Senate of Alabama,

And the Presiding Officer thereof :

The undersigned, a member of the Senate, and of the Committee on Privileges and Elections, to which was referred the memorial of E. W. Martin, claiming the seat as Senator from the 31st Senatorial District, respectfully presents, in the shape of a protest, against the action of the Senate on yesterday, upon, and in relation to the report of the majority of that committee, in seating said Martin, the following statements

and arguments, which he was then preparing for a minority report, and which, by the action of the Senate, he was prevented from finishing in time to present as a minority report.

With all proper deference to the majority of the committee, it is confidently stated that whoever takes their report as a correct and full statement in substance of the record of the Senate, or of the report of Senator Pennington, or of the facts, proved by the voluminous testimony filed in the Senate, at the session of 1872-3, touching the adverse claims of Mr. E. W. Martin, and Mr. William Miller, junior, to the Senatorship of the 31st Senatorial District, is under great delusion.

The report of the majority does not mention, or in any way give the slightest effect to, the significant and decisive resolution adopted by the Senate, without a dissenting vote, on the 31st day of January, 1873, on motion of Senator Cobb, hereinafter set forth, nor to certain other controlling record facts, which are also hereinafter set forth, as they appear upon the Senate journal of the memorable session of 1872-3.

By section 5 of article 8 of our State Constitution, it was provided that Butler and Conecuh should remain the 31st Senatorial District until the General Assembly shall divide the State into Senatorial Districts. The General Assembly has not yet divided the State into Senatorial Districts.

After that constitution became operative, and by an act of the General Assembly, approved December 10, 1868, a new county, called Escambia, was formed out of portions of the counties of Butler and Conecuh.

As long ago as 1852, the General Assembly passed election laws of "a general nature," which upon their very face, was applicable to "every new county," and to every elector in any new county, and to every election, either "for representatives in Congress, or members of the General Assembly." These laws were embodied in sections 397, 398 and 399 of our Revised Code of 1867, and also in the said report of Senator Pennington, and are there accompanied with an argument deemed unanswerable, touching the law and substantial merits of the election in said 31st District.

By section 99 of the subsequent act of our General Assembly, entitled "an act to regulate elections in this State," approved October 8, 1868, it is provided, "that all election laws in force in this State, as proved prior to this act, of a general nature, be, and the same are hereby repealed."

At the general election in November, 1872, E. W. Martin, and William Miller, junior, were the only candidates for Senator from the aforementioned 31st Senatorial District. According to the returns of the supervisors to the Secretary of

State, Mr. Martin appeared to have received a majority of less than 300 votes over Mr. Miller, and upon these returns he received the certificate of election, and on or about the 3d Monday in November, 1872, he became the seated or sitting Senator in the Senate at the capitol, whilst Mr. Miller at or about the same time became the seated or sitting Senator in the Senate in the United States court building in the city of Montgomery—each of them claiming to be the Senator from said 31st Senatorial District. At that time the two bodies, styling themselves the Senate and House of Representatives, which assembled in said United States court-room building, claimed to be the General Assembly of Alabama, whilst the two bodies, styling themselves the Senate and House of Representatives, which assembled at the capitol, also claimed to be the General Assembly of Alabama.

The question, whether the bodies in the United States court building, or the bodies at the capitol, constituted the true and rightful General Assembly of Alabama, seemed, for a time, to admit of no solution without awaiting for the slow process of raising and presenting the question in some proper mode for the decision of our primary courts, and, ultimately, on appeal, for decision by the supreme court of the State, or without a resort to something more objectionable and calamitous.

To rid our State and people of difficulties and troubles thus arising, the Attorney General of the United States proposed a compromise, which is well known, and which was ultimately accepted by all the parties to the grave controversy.

The very last acts done in the full acceptance and completion of said compromise, are shown by the journal of the Senate to have occurred on the 31st day of January, 1873, and, as recorded on that journal, were as follows :

“William Miller, junior, appeared in the Senate chamber, “was qualified, and took his seat as Senator from 31st Senatorial District.

“ On motion of Mr. Cobb,

“Resolved, That the Secretary of the Senate be instructed “to inform the House of Representatives that the Senate is “duly and legally organized, HAVING DISPOSED OF THE CON- “TESTED ELECTION CASES in the districts composed of the coun- “ties of Butler and Conecuh, and of Marengo, and is ready to “proceed to business.”

That very journal of the Senate shows the presence of at least twenty-three of the very Senators who, ever since, have been and still are members of the present Senate, and also

the presence of Mr. E. W. Martin, on said 31st day of January, 1873, the day on which Mr. Miller thus took his seat, "as Senator from the 31st Senatorial District." That journal does not show that any objection was made by any one of these twenty-three Senators, or by Mr. E. W. Martin, or by any body else, to Mr. Miller's thus taking his seat at the time he thus took it. Nor does that journal show that a single Senator voted against the adoption of said resolution which was adopted "on motion of Mr. Cobb."

The Senate journal of next day (February 1, 1873,) opens as follows :

"The Senate met pursuant to adjournment.

"On a call of the roll the following Senators answered to "their names :

"Messrs. Black, Carmichael, Cobb, Coleman, Cooper, Cunningham, Curtis, Dereen, Driesbach, Duskin, Ervin, Glass, "Hamilton, Haralson, Harris, Hewitt, Jones, Leftwich, Martin, Miller, Murphy, Parks, Robinson, Royal, Snodgrass and "Walton—26.

"The journal of yesterday was read and approved."

The Senator Martin, who was one of these twenty-six last above mentioned, was the Senator (John M. Martin) from Tuscaloosa. Up to and on said 21st day of January, 1873, Mr. E. W. Martin had held the disputed seat from Butler and Conecuh, and on call of the roll had answered as Martin of Conecuh. He disappeared, as a Senator, from the time Mr. Miller thus took his seat and said resolution of Mr. Cobb was adopted, and from and after the same day (January 31, 1873,) Mr. William Miller, junior, took the same seat, appeared and answered when the roll of Senators was called, and voted and was recognized as other Senators, not only during the remainder of that long session (which continued until April 23, 1873,) but during the entire session which began in November, 1873, and also during the present session up to the introduction of the memorial, or petition of Mr. E. W. Martin, in which he, after this remarkably long delay, for the first time since January 31, 1873, presented to the Senate his claim to the seat so long held by Mr. Miller.

Why is it, that from March 3, 1873, (the day since which the Democratic Senators constituted, continuously, a majority of the Senate.) down to the introduction of said memorial of Mr. E. W. Martin, at the present session, neither he nor any Senator has made any earlier attempt to re-seat him and to unseat Mr. Miller? Why is it, that during this long period, no Senator has made any motion or offered any resolution or bill to vindicate the dignity of the Senate and the rights of

the people, which the majority of the committee are understood now to allege were violated as long ago as January, 1873? Why is it, that not one of the twenty-two Senators, who were present on said 1st day of February, 1873, (the day after Mr. Miller took his seat and Senator Cobb's said resolution was adopted,) and who are still Senators, and whose names are hereinabove set forth among the twenty-six, who, on the call of the roll on said 1st day of February, answered to their names, failed to vote against, or even to object to, the approval of the journal of said 31st day of January, 1873?

It is the journal of said 31st day of "January, 1873, which records the presence of not less than twenty-eight Senators, the seating of Mr. Miller, and immediately after his seating, the adoption, without a dissenting vote, of said resolution of Mr. Cobb. It is that very resolution, thus adopted by the Senate, that asserts to the House of Representatives as the truth, "that THE SENATE is duly and legally organized, "HAVING DISPOSED OF THE CONTESTED ELECTION CASE, in the districts composed of the counties of Butler and Conecuh, and "Marengo, and is ready to proceed to business."

That assertion of the Senate was at the time it was made, either true or false. If it was true, the Senate had already, that is, at the very time that assertion was made (January 31st, 1873.) "disposed of" the contested election case in the district composed of Butler and Conecuh, as well as the contested election case in the district composed of Marengo.

If that assertion of the Senate itself was true, it seems impossible that the conclusion now reached by the majority of the committee can be true, the substance of which seems to be that the Senate has not at any time before December 4th, 1874, disposed of said contested election case in the district composed of Butler and Conecuh.

The Senate journal of 1872-3, in substance, on the 31st day of January, 1873, records as the truth, that the Senate had then (that is at the adoption of said resolution of Senator Cobb) "disposed of" said contested election case in the district composed of Butler and Conecuh. On the 4th day of December, 1874, by the adoption of the report of the majority of the committee made on that day, the Senate virtually records upon its journal as truth, that the very same contested election case had not therefore been "disposed of" by the Senate.

The journal of the Senate of 1872-3, like any other record of a legislative or judicial tribunal, imports absolute verity. To disregard that record, to treat it as false, by the action of the present Senate, is too great and too dangerous a violation of settled law to be sanctioned, by those who are intelligently

resolved to vindicate the dignity of the Senate and the rights of the people, by the wisest and safest means.

Whether the aforesaid assertion of the Senate contained in said resolution of Mr. Cobb, was true or false, is entirely immaterial, when considered as mere matters of estoppel in pais, for it was certainly made to the House with the intent to influence the action of the House (and perhaps others), and did in fact influence the conduct of the House as well as of Mr. Miller, and did induce the House, as well as Mr. Miller, to pursue a line of conduct which otherwise would not have been pursued, and the disaffirmance of that assertion now will work injustice to Mr. Miller.

*Britton v. Stone*, 22 Ala. Rep., 543.

All estoppels, whether estoppels at common law or equitable estoppels, are founded upon the great principles of morality and public policy. Their purpose is. to prevent that which deals in duplicity and inconsistency, and to establish some evidence as so conclusive a test of truth that it shall not be gainsaid.

*Bowen v. McCormick*, 23 Grattan's Rep., 310.

*Stone v. Britton*, 22 Ala. Rep., 543.

*Gosling v. Birnie*, 20 Eng. Corn. Law Rep., 153.

Conceding that the general principle in relation to governments, is that they are not bound by estoppels under instruments created by themselves, nor by the unauthorized act of their agents, unless it is within the scope of their agency : (*Johnson v. The United States*, 5 Mason's Rep., 441, 442) ; yet the doctrine of estoppel applies to such controversies as the present in such a body as the Senate.

Brightly's Federal Digest, page 357, title "Estoppel," sections 1 to 5 inclusive, and cases there cited: *ib.* page 358, section 18 : *ib.* page 360, sections 75, 76.

*Brent v. The State*, 43 Ala. Rep., 297.

The principle of an estoppel in pais is that he who holds his peace, when he ought to have spoken, shall not be heard at a time when he ought to be silent.

Brightly's Fed. Digest, page 560, sections 75, 76.

Every element of an estoppel exists here, and is proved by the Senate journal of 1872-3—an estoppel as to the Senate, and also as to Mr. E. W. Martin.

See authorities cited *supra*.

Treating the Senate at its session of 1872-3, when acting upon this contested election case, as a court or judicial tribunal, the meaning of its notion in the case, as then recorded, is now to be determined by a rule not less liberal than the settled rule for ascertaining now the meaning of an order of a



court made years ago. That rule is, that when the meaning of an order of a court made several years ago, is to be determined now, it is proper to give to the order now, the same interpretation that the court making it and the parties acting under it, gave it at and near the time that it was made.

And the conduct of the court and of the parties at and near that time is the most satisfactory evidence of their understanding of it at that time.

Steel v. Wyatt, 23 Ala. Rep., 764-770.

Neither the dignity of the Senate, nor the rights and welfare of the people of the Republic, can be maintained or promoted by official disregard of the conclusiveness of judgments until they are set aside by some preceding authorized by law, or of any other well established legal principles.

The protest of the sixteen Senators referred to in the report of the majority was not presented until April 23rd, 1873, the last day of the session of 1872-3. That protest, although previous notice thereof had been given, is of itself satisfactory proof that its signers then believed that the contested election case from said 31st District had been disposed of. In all the past, was it ever before heard of in the United States, that intelligent Senators entered their protest as to a matter or case that has not been disposed of or ended, but was still legally pending and undetermined? It is only when the matter or case has been disposed of or ended, contrary to the sentiments of the dissentients, that they resort to the entry on the journal of the statement of their dissent and the reasons thereof, which is styled their protest. The entry of the said protest of the sixteen Senators on the last day of the session of 1872-3, when construed according to parliamentary law and practice, is, per se, a deliberate admission of record by them that the said contested election case, out of which their protest arose, had been disposed of, that is, ended before they filed that protest.

I respectfully ask that this, my protest, be entered on the journal of the Senate.

JNO. W. DEREEN,  
Senator 26th District.

December 5th, 1874.

Mr. Grayson, from the Committee on Enrolled Bills, reported the following correctly enrolled :

S. B. 52. To amend an act entitled " an act to incorporate the city of Tuscaloosa," approved November 12th, 1873.

Bills were introduced.

By Mr. Hamilton—

S. B. 232. To authorize the State of Alabama to bring civil suits for the assertion of its rights in any court in the State having jurisdiction of the subject.

By Mr. Terrell—

S. B. 233. To amend section 1788 of the Revised Code of Alabama.

Also,

S. B. 234. To declare the manner in which notice of the levy of an attachment mentioned in the act entitled “ an act to regulate the trial of attachment cases,” approved December 17th, 1873, shall be given.

By Mr. Moore—

S. B. 235. For the relief of Priscilla B. Warren, wife at Henry W. Warren, of Colbert county, Alabama ;

Which were severally read the first and second times, under a suspension of the constitutional rule, and referred to the Judiciary Committee.

By Mr. Farden—

S. B. 236. To relieve Sam’l M. and William D. Pebworth, of the disabilities of non-age, and to authorize them to settle with their guardian and the probate court of Montgomery county ;

Which was read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Privileges and Elections.

By Mr. Black—

S. B. 237. To amend section 112 of “ an act to establish Revenue laws for the State of Alabama,” approved December 31st, 1868 ;

Which was read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Finance.

Mr. Parks, from the Committee on Municipal and County Organizations, reported favorably to the bill—

S. B. 64. To amend the following sections of the Revised Code of Alabama, to-wit : Sections 3514, 3515, 3517, 3518, 3520, 3521, 4333, 4336, 4337, 4338, 4339, 4340, 4341, 4342, 4363, 2730, 2960, 3527.

Mr. Carmichael offered the following amendment :

Amend the 8th line of the paragraph on fees for ex-officio services performed by sheriffs, in section 3518, by striking out “ \$250 ( two hundred and fifty dollars ),” and inserting “ \$150 (one hundred and fifty dollars).

Mr. Hamilton moved to amend the amendment by making it inapplicable to Mobile.

On motion of Mr. Terrell, the amendments were laid on the table. Yeas 17—nays 11.

Those who voted in the affirmative are—

Messrs. Cobb, Cunningham, Curtis, Dereen, Driesbach, Glass, Green, Hamilton, Harris of Russell, Inzer, Leftwich, Martin of Tuscaloosa, Parks, Robinson, Royal, Terrell and Walton—17.

Those who voted in the negative are—

Messrs. Black, Carmichael, Coleman, Cooper, Edwards, Ervin, Farden, Grayson, Harris of Lee, Moore and Snodgrass—11.

Mr. Robinson offered the following amendment, which was adopted :

“ Provided the provisions of this act shall not apply to sheriffs of this State during their present term of office.

The bill was ordered to a third reading.

Mr. Parks, from the same committee, reported favorably, with an amendment, to the bill—

S. B. 117. To provide for taking the census of the State of Alabama for the year 1875 ;

Amend by striking out all the seventh section after the fourth line, and inserting in lieu thereof the following, to-wit :

“For each hundred persons enumerated up to five thousand, four dollars ; for each hundred over five thousand and up to ten thousand, three dollars; for each hundred over ten thousand, and up to fifteen thousand, two dollars ; for every hundred over fifteen thousand, one dollar. Also, twenty dollars for making such books for offices of probate Judge and secretary of State.”

The amendment was adopted.

On motion of Mr. Robinson, the farther consideration of the bill was postponed till 12 o'clock, m., on Monday.

Mr. Cunningham, by leave, called up the House bill—

H. B. 154. For the relief of the tax payers of Talladega county ;

Which was read the first, second and third times under a suspension of the constitutional rule, and passed.

Mr. Edwards, by leave, called up the House bill—

H. B. 42. To require the Auditor of State to draw his warrant on the State treasurer in favor of the county treasurer of Marion county for \$1,109 68-100, on account of the school fund of said county ;

Which was read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Finance.

The bill—

S. B. 212. To make certain warrants and certificates receivable in payment of the county taxes of Montgomery county ;

Was read the second time and referred to the Committee on Local Legislation.

On motion of Mr. Edwards, the Senate adjourned till quarter past ten o'clock Monday morning.

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MONDAY, December 7, 1874.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Jones.

On a call of the roll the following Senators answered to their names :

Messrs. Black, Carmichael, Coleman, Cooper, Cunningham, Curtis, Dereen, Driesbach, Edwards, Ervin, Green, Hamilton, Harris of Russell, Leftwich, Martin of Tuscaloosa, Moore, Parks, Robinson, Royal, Snodgrass, Terrell and Walton—22.

The journal of Saturday was read and approved.

Mr. Terrell gave notice that he would move to reconsider the vote by which the Senate allowed the protest of Mr. Dereen to be placed on the journal.

MESSAGE FROM THE GOVERNOR,

By his Private Secretary.

Mr. President :

I am directed by the Governor to communicate to the Senate a message in writing.

Respectfully,

L. R. DAVIS,  
Private Secretary.

EXECUTIVE DEPARTMENT,  
STATE OF ALABAMA,  
MONTGOMERY, December 7, 1874.

Gentlemen of the Senate and

House of Representatives :

With the view of ascertaining the State's bonded indebtedness, as well as that arising from its endorsement for rail-

roads, and for the further purpose of making an effort to adjust and arrange such indebtedness, I ask your consideration of the subject, and recommend that you enact a law authorizing the Governor, by and with the advice and consent of the Senate, to appoint two commissioners, who shall be citizens of this State, to whom shall be committed the question of the whole of such indebtedness, with full power on the part of the commissioners to adjust, arrange and compromise any part or all of such indebtedness, as they may think advisable ; requiring them, however, before their action shall be obligatory upon the State, to report the same to the Governor, who shall report it to the next session of the General Assembly, after received by him, for approval and ratification.

Very respectfully,

Your ob't serv't,

GEO. S. HOUSTON,

Governor of Alabama.

On motion of Mr. Cobb, the message was referred to the joint committee on State liability on account of endorsed bonds, &c.

The resolution offered by Mr. Cooper on Saturday, proposing amendments to the rules of the Senate, was taken up.

Mr. Robinson offered the following as a substitute, which was adopted :

Resolved, That no Senator shall speak more than twice on any question under debate, and consume more than half an hour at each time, unless by leave of the Senate.

On motion of Mr. Grayson, the resolution was laid on the table.

On motion of Mr. Hamilton, the Governor's message in reply to a resolution of the Senate, accompanied by a report of the Inspectors of the Penitentiary, was referred to the Committee on the Penitentiary.

#### CALL OF THE DISTRICT.

Mr. Snodgrass presented a petition from citizens of Collinsville asking for the passage of a bill prohibiting the sale of liquors in five miles of said place.

Which was referred to the Committee on Temperance.

#### MESSAGE FROM THE HOUSE

By Mr. Whitman :

Mr. President :

The House has passed the following Senate bills :

S. B. 89. To exempt Arthur C. Walker of Montgomery county, from paying license for practising the profession of dentistry.

S. B. 1. To authorize James P. Allen, administrator of the estate of Blassingame Nabors, deceased, to sell the lands of said estate at public or private sale without an order of court.

S. B. 72. To amend section nine of "an act to incorporate the Battle House Company of Mobile," approved December 16, 1851.

S. B. 3. To repeal "an act to authorize the publication of the laws of Alabama," approved October 10, 1868 ; and "an act to amend the same," approved December 19, 1871.

And has originated and passed the following bills :

H. B. 73. To repeal "an act to amend sections 4377 and 4390 of the Revised Code of Alabama," approved October 10, 1868.

H. B. 5. To repeal sections 4031 to 4061, inclusive, of the Revised Code, so far as they relate to the county of Dale.

H. B. 25. For the relief of George B. and Mary A. Woods of Pickens county.

H. B. 16. To amend section 3733 of the Revised Code of Alabama.

H. B. 19. To regulate the competency of witnesses in certain criminal cases.

H. B. 64. To authorize W. K. Parmer, as administrator of Joseph M. Farmer, deceased, to sell real estate of said decedent.

H. B. 70. To number the chancery district of Conecuh county, and to transfer the business of Escambia county from the county of Butler to Conecuh county.

H. B. 176. For the relief of the minor children of the late Council Stephenson, deceased.

H. B. 39. To enable private corporations to dissolve their charters and to wind up their corporate affairs.

H. B. 2. To repeal an act to establish a criminal court for the county of Butler, with criminal and civil jurisdiction, &c.

H. B. 41. To remove the administration of the estate of John A. Goodson, deceased, from the county of Bibb to the county of Tuscaloosa.

H. B. 81. To repeal an act to provide for the collection and distribution of fines and forfeitures in the counties of Clay and Coosa, so far as the same relates to the county of Clay.

H. B. 87. For the relief of Mrs. Matilda Grantham, guardian of her children, Charles G. P. and Lucius S. Grantham.

H. B. 89. To amend "an act for the relief of Hiram Gibson of Jackson county," approved March 28, 1871.

H. B. 186. To repeal "an act for the protection of game in Lawrence county," approved March 28, 1873.

H. B. 126. To make it lawful for the sheriffs of Marion county, and other counties therein named, to execute all process issued by justices of the peace and notaries public, and receive the usual fees for the same.

H. B. 28. To enable guardians of minors to lease the real estate of their wards for more than one year.

ELLIS PHELAN,  
Clerk.

Bills were introduced.

By Mr. Coleman—

S. B. 238. For the relief of Lavinia T. Chilton, Principal of Montgomery Female College.

By Mr. Harris of Lee—

S. B. 239. To empower W. H. H. Griffin, administrator, to sell certain lands in Lee county without an order of court.

By Mr. Harris of Russell—

S. B. 240. To provide for the payment of physicians for attendance upon prisoners in jail ;

Which were severally read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Local Legislation.

By Mr. Inzer—

S. B. 241. To amend an act entitled "an act to incorporate the city of Birmingham, in Jefferson county," and an act amendatory thereof, approved March 15, 1873, and for other purposes ;

Which was read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Municipal and County Organizations.

By Mr. Inzer—

S. B. 242. For the relief of the estate of Burwell T. Pope, deceased, late judge of the 12th judicial circuit of Alabama.

By Mr. Dereen—

S. B. 243. To amend sub-division four of section 112 of an act entitled "an act to establish revenue laws for the State of Alabama," approved December 31, 1868 ;

Also,

S. B. 243½. To amend sub-division five of section 112 of

an act entitled “an act to establish revenue laws for the State of Alabama,” approved December 31, 1888.

By Mr. Hamilton—

S. B. 244. For the relief of the Alabama Central Railroad Company ;

Which were severally read the first and second times, under ft suspension of the constitutional rule, and referred to the Committee on Finance.

By Mr. Inzer—

S. B. 245. To confer jurisdiction upon the probate courts of this State, to make and compel certain settlements therein mentioned.

By Mr. Cobb—

S. B. 246. To prevent judges from exercising the functions of their offices while charges of impeachment are pending against them ;

Also,

S. B. 247. To allow the personal representative of a deceased maker of a joint contract, to be sued in the same action with the surviving maker of such contract.

By Mr. Martin of Tuscaloosa—

S. B. 248. To construe an act entitled “an act to provide that the office of general administrator may expire with the term of office of the judge who appointed him,” approved April 23, 1873.

By Mr. Hamilton—

S. B. 249. For the relief of Augustus A. Coleman of Hale county.

By Mr. Driesbach—

S. B. 250. To authorize James M. Davidson, administrator of the estate of William Davidson, deceased, late of Monroe county, to sell the lands of said estate at private sale and make titles to the same ;

Which were severally read the first and second times, under a suspension of the constitutional rule, and referred to the Judiciary Committee.

By Mr. Cobb—

S. B. 251. To protect property in dogs ;

Which was read the first and second times, under a suspension of the constitutional rule.

Mr. Farden moved to amend as follows : “Provided, That it shall require proof of two competent witnesses to prove the value of the dog.”

Mr. Grayson moved to amend by adding : “ Provided, The dog is worth over five dollars ;”



The bill and amendments were referred to the Committee on the Judiciary.

By Mr. Curtis—

S. B. 252. To create a new county, to be called the county of Magnolia;

Which was read the first and second times under a suspension of the constitutional rule, and referred to a special committee composed of Messrs. Ervin, Haralson, Jones, and Martin of Conecuh.

By Mr. Walton—

S. B. 253. To authorize Archibald Smith of Clarke county, to peddle without license ;

Which was read the first; and second times, under a suspension of the constitutional rule.

Mr. Robinson moved to amend by adding the name of "Miles Gilhooly of Chambers county."

Mr. Terrell moved to amend by adding the name of "Charles Eden of Tallapoosa county."

Mr. Coleman moved to refer the bill and amendments to the Committee on Revision of the Laws.

Mr. Robinson moved to lay the motion on the table ;

Lost.

On motion of Mr. Parks, the bill and amendments were referred to the Committee on Privileges and Elections.

By Mr. Hamilton—

S. B. 254. To provide for the calling of a convention to revise and amend the Constitution of this State ;

Which was read the first and second times, under a suspension of the constitutional rule, and referred to the Joint Committee of the two Houses on the Constitution.

By Mr. Hamilton—

S. B. 255. To provide for the payment of the First Battalion of the Alabama volunteer militia, while in actual service, under the orders of the late Governor of this State ;

Which was read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on the Militia.

By Mr. Hamilton—

S. B. 256. To regulate the trial of cases of certiorari from justices of the peace to the circuit court ;

Which was read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Revision of Laws.

## MESSAGE FROM THE GOVERNOR

By his Private Secretary :

STATE OF ALABAMA,  
EXECUTIVE DEPARTMENT,  
MONTGOMERY, ALA., Dec. 7, 1874.

Mr. President :

I am instructed by the Governor to inform the Senate that he has approved the following bill, which originated in the Senate :

An Act—

S. B. 62. To amend an act entitled “an act to incorporate the city of Tuscaloosa,” approved March 12, 1873.

Respectfully,

L. R. DAVIS,  
Private Secretary.

MESSAGE FROM THE HOUSE,

By Mr. Whitman:

Mr. President :

The House has originated and passed a bill—

S. B. 68. To amend an act for the relief of the University of Alabama.

ELLIS PHELAN,  
Clerk.

By Mr. Ervin—

S. B. 257. To induce and encourage immigration to the State of Alabama, and to provide for the appointment of a Commissioner of Immigration, and a board of commissioners and directors ;

Which was read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Internal Improvements.

By Mr. Ervin—

S. B. 258. For the appointment of commissioners to compromise and arrange for the liquidation of all claims against the State of Alabama, arising from bonds issued or endorsed in the name of the State ;

Which was read the first and second times, under a suspension of the constitutional rule, and referred to the joint committee of the two Houses on this subject.

By Mr. Carmichael—

S. B. 259. For the relief of Mrs. Clara F. Irwin, administratrix of T. J. Irwin, deceased, and F. K. Freeman, administrator of the estate of Andrew B. Irwin, deceased ;

Which was read the first, second and third times, under a suspension of the constitutional rule, and passed.

Mr. Cobb,

By leave, offered the following resolution, which was adopted, and ordered forthwith to the House :

Resolved, by the Senate, the House of Representatives concurring, That one from the Senate and one from the House, be added to the joint committee to investigate and report upon the liability of the State, on account of its endorsement of rail road bonds.

Mr. Ervin was appointed on the part of the Senate.

The special order, which was the substitute reported from the Judiciary Committee, for the bill—

S. B. 48. To provide good and sufficient bonds for county officers,

Was taken up.

Mr. Haralson moved to strike out “ tax payers,” where it occurs in the bill, and insert “grand jury or county commissioners.”

On motion of Mr. Inzer, the amendment was laid on the table.

Mr. Curtis moved to strike out the word “county,” where it occurs in the bill.

On motion of Mr. Inzer, the amendment was laid on the table. Yeas 18—nays 10.

Those who voted in the affirmative are—

Messrs. Carmichael, Cobb, Coleman, Cunningham, Dreisbach, Edwards, Ervin, Grayson, Hamilton, Harris of Lee, Inzer, Martin of Tuscaloosa, Moore, Parks, Robinson, Snodgrass, Terrell and Walton—18.

Those who voted in the negative are—

Messrs. Black, Cooper, Curtis, Dereen, Farden, Glass, Green, Haralson, Leftwich and Royal—10.

Mr. Cobb moved to amend by adding the following to the second section of the bill, which was adopted :

“ Provided that the person or persons making such application, shall give security for costs, to be approved by the officer to whom such application is made.”

Mr. Farden moved to amend “ by exempting the county of Montgomery from the provisions of this act.”

On motion of Mr. Green, it was laid to the table.

Mr. Martin, of Tuscaloosa, offered the following amendment, which was adopted :

Add the following sections :

Sec. 5. Be it further enacted, That each bond required under

this act, shall be a lien upon all the property of the officer giving the bond, from the date of the filing and recording of the same.

Sec. 6. Be it further enacted, That the aggregate value of the personal and real property of the principal and securities upon each bond required under this act, over and above their liabilities, and property exempted by the laws of this State, shall equal in amount the penalty of such bond, and shall be located in the county where the officer by whom the bond is to be made resides.”

The substitute was adopted, as amended.

On motion of Mr. Coleman, the vote adopting the substitute was reconsidered.

Mr. Robinson offered the following amendment, which was adopted :

Strike out, in the next to the last line, in section 5, all after the words “from the,” and insert “breach of the condition of said bond, except tax collectors’ bonds, which shall be governed by existing law.”

The substitute was adopted, the bill ordered to a third reading, and made the special order for 12 o’clock to-morrow.

Mr. Terrell moved to reconsider the vote allowing the protest of Mr. Dereen, on the action of the Senate in the Martin-Miller contested case to be spread on the journals of the Senate.

Pending the motion to reconsider ;

On motion of Mr. Robinson the Senate adjourned till quarter past ten o’clock to-morrow morning.

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TUESDAY, December 8th, 1874.

The Senate met pursuant to adjournment.

Prayer by Rev. J. B. Jones.

On a call of the roll, the following Senators answered to their names :

Messrs. Black, Carmichael, Cobb, Coleman, Cooper, Cunningham, Curtis, Dereen, Driesbach, Edwards, Ervin, Glass, Golson, Grayson, Green, Hamilton, Haralson, Harris of Lee, Harris of Russell, Inzer, Leftwich, Little, Martin of Tuscaloosa, Moore, and Walton—25.

The journal of yesterday was read and corrected.

Leave of absence was granted Mr. Royal for one day.

Mr. Hamilton, from the Committee on the Judiciary, reported back the bill—

S. B. 258. For the appointment of commissioners to liquidate claims against the State, arising from bonds issued and endorsed in the name of the State of Alabama.

The bill was re-committed to the Joint Committee on State liability for endorsed bonds, &c.

Mr. Harris of Lee, from the Committee on Enrolled Bills, reported the following; as correctly enrolled :

S. B. 3. An act to repeal an act entitled “ an act to authorize the publication of the laws of Alabama,” approved October 10th, 1868; and an act to amend the same, approved December 19th, 1871.

S. B. 89. An act to exempt Arthur C. Walker, of Montgomery county, Alabama, from paying license for practicing the profession of dentistry.

S. B. 1. An act at authorize James P. Alien, administrator of the estate of Blassingame Nabors, deceased, to sell the lauds of said estate at public or private sale without an order of court.

S. B. 73. An act to fix the compensation of the State Printer.

The House joint resolutions,

Instructing our Senator and Representatives in the United States Congress to use their influence to defeat the civil rights bill now pending in the House of Representatives of the Congress of the United States,

Were lead.

Mr. Haralson moved to amend by making the word “Senator” read “Senators.’

On motion of Mr. Martin of Tuscaloosa, the amendment was laid on the table. Yeas 19, nays 9,

Those who voted in the affirmative are—

Messrs. Carmichael, Cobb, Cooper, Cunningham, Driesbach, Edwards, Ervin, Grayson, Hamilton, Harris of Lee, Inzer, Little, Martin of Conecuh, Martin of Tuscaloosa, Moore, Robinson, Snodgrass, Terrell and Walton—19.

Those who voted in the negative are—

Messrs. Black, Curtis, Dereen, Farden, Glass, Golson, Green, Haralson and Leftwich—9.

Mr. Haralson moved to lay the joint resolutions on the table. Lost.

The joint resolutions were referred to the Committee on Federal Relations.

The House joint memorial to Congress,

To grant a pension to the surviving soldiers and sailors of the Mexican war,

Was read and adopted.

The House joint resolution,

To provide for raising a joint committee of the two Houses of the General Assembly, to examine into and report a bill, if necessary, in regard to the Board of Equalization,

Was read and adopted.

The committee on the part of the Senate, consists of Messrs. Ervin and Cunningham.

#### MESSAGE FROM THE HOUSE

By Mr. Phelan :

Mr. President :

The House has passed the Senate bill :

S. B. 73. To fix the compensation of the State Printer.

And has concurred in the Senate joint resolution in regard to the election of a State Printer on Wednesday, the 9th of December, 1874, at 12 o'clock, m.

The House has originated and passed the following bills :

H. B. 33. To authorize Mrs. Jane E. O. Campbell to establish a public ferry across the Choctawhatchee river in the county of Geneva, at or near the junction of the Choctawhatchee and Pea rivers.

H. B. 59. To change the boundary line between the counties of Perry and Bibb.

H. B. 128. To repeal an act to protect the planters of this State from imposition in the sale of fertilizers, approved March 8, 1871.

H. B. 123. For the relief of Samuel E. Chapman of Marengo county.

H. B. 52. To authorize the assessments and the collection of the tax upon the lands belonging to the estate of O. T. Prince, deceased, by the tax assessor and collector of taxes in the county of Tuscaloosa, and exempt the same from assessment and collection of taxes in the county of Hale.

H. B. 46. To allow constables in the county of Pike, the same compensation as is now allowed sheriffs in certain cases.

H. B. 43. For the relief of Daniel M. Hicks, late tax collector of Pickens county.

H. R. Joint resolution for the payment of certain claims for repairs to the furniture, &c., of the House.

And has adopted,

H. B. 1. A memorial to the Congress of the United States asking grants of lands in Walker county.

The House has concurred in the Senate joint resolution adding one from each House to the committee to investigate and report upon the liability of the State on account of railroad bonds.

Mr. Brewer has been added to said committee on the part of the House.

The House has also added to said committee Mr. Speaker Anderson.

ELLIS PHELAN,  
Clerk.

The House bill,

H. B. 94. To change the county line between the counties of Conecuh and Covington,

Was read the first, second and third times, under a suspension of the constitutional rule, and passed by a two-thirds vote.

Yeas 27, nays 1.

Those who voted in the affirmative are—

Messrs. Black, Carmichael, Cobb, Coleman, Cooper, Cunningham, Curtis, Dereen, Driesbach, Edwards, Ervin, Farden, Golson, Grayson, Green, Haralson, Harris of Lee, Harris of Russell, Inzer, Leftwich, Little, Martin of Conecuh, Moore, Parks, Robinson, Snodgrass and Walton—27.

Mr. Martin of Tuscaloosa voted in the negative.

The House bills,

H. B. 127. To amend an act to incorporate the Selma Chamber of Commerce, approved December 7, 1861.

H. B. 58. To amend an act for the relief of the University of Alabama;

Were severally read the first, second and third times, under a suspension of the constitutional rule, and passed.

The bill ordered to a third reading on yesterday and made the special order for 12 o'clock, m., to-day,

S. B. 48. To secure good and sufficient sureties on the bonds of the county officers of this State,

Was read the third time and passed.

Yeas 22, nays 7.

Those who voted in the affirmative are—

Messrs. Carmichael, Cobb, Coleman, Cooper, Cunningham, Driesbach, Edwards, Ervin, Golson, Grayson, Hamilton, Harris of Lee, Harris of Russell, Inzer, Little, Martin of Conecuh, Martin of Tuscaloosa, Moore, Parks, Robinson, Terrell and Walton—22.

Those who voted in the negative are—

Messrs. Black, Curtis, Dereen, Farden, Glass, Green and Haralson—7.

Mr. Martin of Tuscaloosa, moved to reconsider the vote by which the bill passed.

On motion of Mr. Walton, the motion was laid on the table.

Mr. Terrell renewed his motion to reconsider the vote allowing Mr. Dereen's protest to the action of the Senate in the Martin-Miller case to go on the journal.

On motion of Mr. Black, the motion was laid on the table.

Yeas 15, nays 15.

Those who voted in the affirmative are—

Messrs. Black, Carmichael, Curtis, Dereen, Edwards, Ervin, Farden, Glass, Golson, Green, Haralson, Harris of Russell, Leftwich, Martin of Tuscaloosa and Robinson—15.

Those who voted in the negative are—

Messrs. Cobb, Coleman, Cooper, Cunningham, Driesbach, Grayson, Hamilton, Harris of Lee, Inzer, Little, Moore, Parks, Snodgrass, Terrell and Walton—15.

Mr. President voted in the affirmative.

On motion of Mr. Black, the vote adopting the House joint memorial to Congress,

To grant a pension to the surviving soldiers and sailors of the Mexican war,

Was reconsidered.

Mr. Walton, by leave, introduced a bill,

S. B. 259½. For the relief of F. S. Ulmer, tax collector of Choctaw county,

Which was read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Finance.

Mr. Farden moved to adjourn;

Lost.

The House joint resolution,

Proposing the raising of a joint committee, to whom are to be referred all petitions, bills, &c., relating to the sale or prohibition of the sale of liquors,

Was adopted, and Messrs. Cooper and Terrell appointed said committee on the part of the Senate.

#### MESSAGE FROM THE GOVERNOR

By his Private Secretary.



STATE OF ALABAMA,  
 EXECUTIVE DEPARTMENT  
 Montgomery, Dec. , 1874.

Mr. President :

I am directed by the Governor to inform the Senate that he has this day approved the following bills, which originated in the Senate :

S. B. 3. An act to repeal an act entitled “an act to authorize the publication of the laws of Alabama,” approved October 10, 1868, and an act entitled “an act to amend the same,” approved December 19, 1871.

S. B. 1. “An act to authorize James P. Allen, administrator of the estate of Blassingame Nabors, deceased, to sell the lands of said estate at public or private sale, without an order of court.”

S. B. 89. “An act to exempt Arthur V. Walker of Montgomery county, Alabama, from paying license for practicing, the profession of dentistry.”

Respectfully,

L. R. DAVIS,  
 Private Secretary.

Mr. Black moved to adjourn;

Lost.

Mr. Robinson, by leave, introduced a bill—

S. B. 260. To punish persons for failing to work the public roads ;

Which was read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on the Judiciary.

On motion of Mr. Farden, the Senate adjourned till 10¼ o'clock to-morrow morning.

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WEDNESDAY, December 9, 1874.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Jones.

On a call of the roll, the following senators answered to their names :

Messrs. Black, Carmichael, Cobb, Coleman, Cooper, Cunningham, Curtis, Driesbach, Edwards, Glass, Grayson, Green, Hamilton, Haralson, Harris of Lee, Harris of Russell, Inzer,

Jones, Leftwich, Little, Martin of Conecuh, Martin of Tuscaloosa, Moore, Parks, Robinson, Snodgrass, and Walton—27.

The journal of yesterday was read and approved.

Mr. Martin of Tuscaloosa, moved to suspend the call of the Districts, to take up the special orders—bills on their third reading—and to allow the standing committees to report six bills each ;

The motion prevailed.

Mr. Cooper, by leave, introduced a bill—

S. B. 26l. To prohibit the sale of vinous, spirituous or intoxicating liquors within five miles of Post Oak Spring Church, in Calhoun county, in this State ;

Which was read the first, second and third times, under a suspension of the constitutional rule, and passed, and ordered to the House without being engrossed.

The bill—

S. B. 101½. To prohibit the disposing of certain agricultural products between the hours of sunset and sunrise ;

Was read the third time and passed.

Mr. Martin of Tuscaloosa moved to reconsider the vote by which the bill passed.

On motion of Mr. Robinson, the motion was laid on the table.

The bill—

S. B. 117. To provide for taking the census of the State of Alabama for the year 1875 ;

Was taken up.

Mr. Curtis moved to amend by striking out “ Governor,” and inserting “county commissioners.”

On motion of Mr. Robinson, the amendment was laid on the table.

Mr. Haralson moved to amend by striking out the words “ appointed by the Governor,” and inserting the words “appointed by the probate judges of the several counties.”

On motion of Mr. Parks, the motion was laid on the table.

The bill was referred to a special committee, consisting of Messrs. Martin of Tuscaloosa, Moore and Robinson.

Mr. Harris of Lee, from the Committee on Enrolled Bills, reported the following as correctly enrolled :

S. B. 72. An act to amend section 9 of “ an act to incorporate the Battle House Company of Mobile,” approved December 16, 1851.

## MESSAGE FROM THE GOVERNOR

By his Private Secretary.

STATE OF ALABAMA,  
EXECUTIVE DEPARTMENT,  
Montgomery, Dec. 9, 1874.

Mr. President :

I am instructed by the Governor to inform the Senate that he has this day approved the following bills which originated in the Senate :

S. B. 73. "An act to fix the compensation of the State Printer."

S. B. 72. An act to amend the ninth section of an act entitled "an act to incorporate the Battle House Company of Mobile, Alabama," approved December 16, 1851.

Respectfully,

L. R. DAVIS,  
Private Secretary.

The bill—

S. B. 231. To change and straighten the line between the counties of Baker and Dallas ;

Was passed by a two-thirds vote—yeas 30, nays 1.

Those who voted in the affirmative are—

Messrs. Block, Carmichael, Cobb, Coleman, Cooper, Cunningham, Curtis, Dereen, Driesbach, Edwards, Ervin, Farden, Golson, Grayson, Green, Hamilton, Haralson, Harris of Lee, Harris of Russell, Inzer, Jones, Leftwich, Little, Martin of Conecuh, Moore, Parks, Robinson, Snodgrass, Terrell and Walton—30.

Mr. Martin of Tuscaloosa voted in the negative.

The bill—

S. B. 108. To amend section 4031 of the Revised Code of Alabama ;

Was read the third time.

On motion of Mr. Robinson, the further consideration of the bill was indefinitely postponed—yeas 20, nays 10.

Those who voted in the affirmative are—

Messrs. Black, Carmichael, Coleman, Cooper, Curtis, Dereen, Ervin, Farden, Glass, Golson, Haralson, Harris of Lee, Harris of Russell, Jones, Martin of Conecuh, Martin of Tuscaloosa, Moore, Robinson, Terrell and Walton—20.

Those who voted in the negative are—

Messrs. Cobb, Cunningham, Driesbach, Edwards, Grayson, Hamilton, Inzer, Little, Parks and Snodgrass—10.

MESSAGE FROM THE HOUSE

By Mr. Phelan.

Mr. President :

The House has originated and passed the following bills :

H. B. 174. for the relief of P. L. Worsham of Washington county.

H. B. 226. To repeal an act to regulate the mode of drawing grand and petit jurors for Lawrence.

H. B. 139. To amend section two of an act entitled, an act to create the eleventh chancery district of the northern chancery division, approved December 17, 1873.

H. B. 112. To amend section 3612 of the Revised Code of Alabama.

H. B. 3. To repeal an act entitled, an act to abolish the county court of Butler county.

H. B. 141. To regulate and fix the terms of the circuit court for the county of Shelby.

H. B. 137. To authorize and require the Auditor to draw his warrant on the State treasurer in favor of the school fund of Conecuh county, for the sum of \$1,807 21-100.

H. B. 173. To repeal an act to authorize the several counties, towns and cities of the State of Alabama, to subscribe to the capital stock of such railroads throughout the State as they may consider most conducive to their respective interests, approved December 31, 1868.

H. B. 47. To define and fix the ex-officio fees of the sheriff and circuit clerk of the county of Walker.

H. B. 208. To extend the rights and privileges of the Gas Light Company of Selma until the year nineteen hundred and three.

H. B. 170. To authorize Elias Dean to establish a public ferry across Mulberry river in Blount county.

ELLIS PHELAN,  
Clerk.

Mr. Farden, by leave, introduced a bill—

S. B. 262. To amend section two of an act to amend an act to authorize the county of Montgomery to issue bonds, approved December 17, 1873 ;

Which was read the first and second times, under a suspension of the constitutional rule, and referred to a special committee composed of Messrs. Farden, Parks and Carmichael.

Mr. Inzer, by leave, introduced a bill—

S. B. 2B3. To authorize the Auditor of this State to draw his warrant on the treasurer in favor of E. J. Robinson of St. Clair county, for one hundred and fifty-six dollars for bringing Huse Miller, under a requisition of Governor Lewis,

from the jail in Murfreesboro, Tennessee, to St. Clair county, Alabama, under charge of grand larceny ;

Which was read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Finance.

Mr. Snodgrass, by leave, introduced a bill—

S. B. 264. Amendatory of an act to incorporate the town of Scottsboro, in the county of Jackson, approved 20th of January, 1870 ;

Which was read the first, second and third times, under a suspension of the constitutional rule, and passed.

On motion of Mr. Ervin, the Senate took a recess of ten minutes.

The President called the Senate to order.

#### MESSAGE FROM THE HOUSE,

By Mr. Phelan—

Mr. President :

I am instructed by the House to invite the Senate into the hall of the House for the purpose of proceeding with the election of a State Printer.

ELLIS PHELAN, Clerk.

The Senate repaired to the hall of the House, when the two houses in joint convention proceeded to the election of a State Printer.

Nominations being in order, Mr. Clements nominated Mr. W. W. Screws.

Mr. Farden nominated Mr. Arthur Bingham.

Mr. Blevins nominated Mr. S. J. Saffold.

Those who voted for Mr. Screws are—

Messrs. Carmichael, Cobb, Coleman, Cooper, Cunningham, Driesbach, Edwards, Ervin, Golson, Grayson, Green, Hamilton, Harris of Lee, Harris of Russell, Inzer, Little, Martin of Conecuh, Martin of Tuscaloosa, Moore, Parks, Robinson, Snodgrass, Terrell and Walter, of the Senate ; and Messrs. Speaker, Aldridge, Andrews, Barnett, Barron, Beirne, Bell, Betts, Billups, Bliss, Bonner, Brewer, Baker, Brown, Clements, Crews, Dickson, Dillon, Edwards, Espy, Farriss, Fielder, Franklin, Gibson, Gilmer of Lawrence, Grant, Greene of Jefferson, Greene of Lee, Gullede, Hamilton, Harris of Chambers, Heaton, Herman, Higgins, Holloway, Huey, Jones, Kimmey, Kirkland, Leslie, Maples, Price, Prowell, Purcell, Babby, Rice, Ross, Rosseau, Shepard, Smith of Franklin, Stall-

worth, Stevens, St. John, Straughn, Stribbling, Tate, Townsend, Troup, Wharton, Wilson and Woolf, of the House—85.

Those who voted for Mr. Bingham are—

Messrs. Black, Curtis, Dereen, Farden, Glass, Jones and Leftwich, of the Senate ; and Messrs. Alien, Baldwin, Bennett, Boyd, Cashin, Cook, Coon, Cockrell, Daniels, Gardner, Gaskin, Gilmer of Montgomery, Harris of Dallas, Harris of Perry, Johnston, Lee, Lewis, Martin, Matthews, Merriwether, McDuffie, Mitchell, Patterson, Reese, Reid, Simons, Smith of Bullock, Witherspoon, Wood of Marengo, Wood of Talladega, and Wynne, of the House—38.

Those who voted for Mr. Saffold are—

Mr. Haralson, of the Senate ; and Messrs. Blevins, Bozeman and Brantley of the House—4.

Mr. W. W. Screws having received eighty-five votes, which was a majority of the whole vote cast, Mr Speaker announced that he was duly and constitutionally elected State Printer for the term prescribed by law.

The Senate then retired to its chamber.

#### MESSAGE FROM THE GOVERNOR,

By his Private Secretary :

STATE OF ALABAMA,  
EXECUTIVE DEPARTMENT,  
Montgomery, Dec. 9, 1874.

Mr. President :

I am instructed by the Governor to communicate a message in writing to the Senate.

Respectfully,

L. R. DAVIS,  
Private Secretary.

Gentlemen of the Senate and

House of Representatives:

Since entering upon the discharge of the duties of the office of Governor, I find the complications connected with the Alabama & Chattanooga Railroad and its Company, so numerous and extensive, that a fear may be properly entertained that the important interests of the State, arising out of its endorsement of the bonds of the company for the construction of that road, may be seriously endangered. I regard it of the highest importance to the State that it shall not in any wise become a party to any of the suits pending in the Federal courts touching the interests of that road. Nor

should the State submit its interests or rights, secured by statute, to the jurisdiction of those courts, or do any act tending to defeat or impair its statutory lien. With the view that the true condition of the road and the State's interest therein, may be ascertained, and the future policy of the State for the protection of its interests in this regard be determined, I invite your early attention to the subject, assuring you of my purpose to co-operate with you in your efforts to protect the rights of the State.

Very respectfully,

Your ob't serv't,

GEO. S. HOUSTON,

Governor of Alabama.

Mr. Hamilton, from the Judiciary Committee, reported favorably to the bills—

S. B. 80. To repeal an act entitled " an act to suppress murder, lynching, and assaults and batteries," approved December 28, 1868 ;

S. B. 36. To require the Reporter of the decisions of the Supreme Court of this State to furnish a synopsis of the points-decided by said court ;

Which were severally read the third time, under a suspension of the constitutional rule, and passed.

Mr. Hamilton, from same committee, reported a substitute for the bill—

S. B. 33. For the relief of Mrs. Eliza S. Phinizy, wife of John S. Phinizy, of Lawrence county, Alabama.

The substitute was adopted, the bill read the third time, under a suspension of the constitutional rule, and passed.

The caption of the substitute reads as follows:

S. B. 33. To amend sections one and three of an act entitled " an act to confer upon the several chancery courts of this State power to declare married women free-dealers," approved April 15th, 1873.

Mr. Hamilton, from same committee, reported favorably, with an amendment, to the bill—

S. B. 12. To amend section 675 of the Revised Code of Alabama.

Amend by striking out the words " one thousand," where they occur, and inserting " twelve hundred" in place thereof.

Mr. Farden moved to lay the amendment on the table ;

Lost.

The amendment was adopted, the bill read the third time, under a suspension of the constitutional rule, and passed.

Mr. Hamilton, from same committee, reported favorably to the bill—

S. B. 97. To fix the salary of the Commissioner of Industrial Resources.

Mr. Farden moved to strike out “ \$500 “ and insert “ \$5.”

Lost.

Mr. Inzer moved to amend by striking out “ \$500” and inserting “ \$50.”

The amendment was adopted. Yeas 18—nays 12.

Those who voted in the affirmative are—

Messrs. Cobb, Coleman, Cooper, Cunningham, Curtis, Deeren, Driesbach, Edwards, Farden, Golson, Grayson, Harris of Lee, Harris of Russell, Inzer, Martin of Conecuh, Moore, Parks and Snodgrass—18.

Those who voted in the negative are—

Messrs. Black, Carmichael, Ervin, Green, Hamilton, Haralson, Jones, Leftwich, Little, Robinson, Terrell and Walton—12.

On motion of Mr. Inzer, the vote adopting the amendment was reconsidered.

Mr. Carmichael moved to amend by adding the following to the end of the first section, which was adopted :

“ Provided, that the Commissioner shall not receive any compensation provided for, unless he shall reside at the capital of the State.”

Mr. Farden moved to amend by striking out “ \$500 “ and inserting “ \$1200.”

On motion of Mr. Hamilton, the amendment was laid on the table.

The bill was read the third time, under a suspension of the constitutional rule, and passed.

Mr. Cobb, by leave, offered the following resolution, which was adopted :

Resolved, by the Senate, the House of Representatives concurring, That the present session of the General Assembly be, and the same is hereby extended, and shall remain in session longer than thirty days.

Those who voted for the adoption of the resolution are—

Messrs. Carmichael, Cobb, Coleman, Cooper, Cunningham, Curtis, Driesbach, Edwards, Ervin, Grayson, Hamilton, Haralson, Harris of Lee, Harris of Russell, Inzer, Leftwich, Little, Martin of Conecuh, Martin of Tuscaloosa, Moore, Parks, Robinson, Snodgrass, Terrell and Walton—25.

Those who voted in the negative are—

Messrs. Black, Farden, Green and Jones—4.

The resolution was ordered to the House forthwith.

The message of the Governor, in relation to the bonded liability of the State on account of the Alabama and Chatta-



nooga railroad, was referred to the joint committee on the subject.

Mr. Inzer, by leave, introduced a bill—

S. B. 266. To repeal section 13 of an act entitled “ an act for the government of the Bureau of Industrial Resources,” approved December 12th, 1868 ;

Which was read the first, second and third times, under a suspension of the constitutional rule, and passed.

Mr. Hamilton, from the Committee on the Judiciary, reported adversely to the bill—

S. B. 81. To amend section 16 of an act approved August 12th, 1868, entitled “ an act for the government of the Bureau of Industrial Resources.”

The report was concurred in.

Mr. Ervin, from the Committee on Finance and Taxation, reported a substitute for the bill—

S. B. 113. For the relief of certain tax collectors therein named.

The substitute was adopted ; the bill read the third time, under a suspension of the constitutional rule, and passed.

The caption of the substitute reads as follows :

S. B. 113. For the relief of certain counties in the State.

Mr. Ervin, from same committee, reported favorable to the following bills :

S. B. 76. To amend section 80 of an act entitled “ an act to establish revenue laws for the State of Alabama, “ approved December 31st, 1868.

S. B. 246. For the relief of H. M. Meadows, late tax collector of Elmore county.

S. B. 136. In relation to the court of county commissioners of Dallas county.

S. B. 210. To restrict the assessment, levy or collection of taxes and licenses for county purposes in the county of Talladega, and to repeal an act entitled “ an act to restrict the counties to a certain rate of taxation,” approved April 19th, 1873, in so far as relates to the county of Talladega.

S. B. 137. To repeal an act entitled “ an act to empower the commissioners’ court of Dallas county to issue bonds, and for other purposes;”

Which were severally read the third time, under a suspension of the constitutional rule, and passed.

On motion of Mr. Martin of Tuscaloosa, the Senate adjourned till quarter after ten o’clock to-morrow morning. Yeas 16—nays 11.

Those who voted in the affirmative are—

Messrs. Black, Coleman, Curtis, Driesbach, Edwards, Er-

vin, Farden, Harris of Russell, Leftwich, Martin of Conecuh, Martin of Tuscaloosa, Moore, Parks, Snodgrass, Terrell and Walton—16.

Those who voted in the negative are—

Messrs. Carmichael, Cobb, Cooper, Cunningham, Grayson, Hamilton, Haralson, Harris of Lee, Inzer, Little and Robinson—11.

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THURSDAY, December 10th, 1874.

The Senate met pursuant to adjournment.

Prayer by Rev. J. B. Jones.

On a call of the roll the following Senators answered to their names :

Messrs. Black, Carmichael, Cobb, Coleman, Cunningham, Curtis, Dereen, Driesbach, Edwards, Ervin, Glass, Golson, Grayson, Green, Hamilton, Harris of Lee, Harris of Russell, Inzer, Leftwich, Martin of Conecuh, Moore, Robinson, Royal, Snodgrass, Terrell and Walton—28.

The journal of yesterday was read and approved.

MESSAGE FROM THE GOVERNOR,

By his Recording Secretary.

Mr. President :

I am directed by the Governor to communicate to the Senate a message in writing, with accompanying documents.

Respectfully,

IKE H. VINCENT,  
Recording Secretary.

EXECUTIVE DEPARTMENT,  
STATE OF ALABAMA,  
MONTGOMERY, December 10, 1874.

Gentlemen of the Alabama General Assembly :

I have the honor to lay before you the report of M. G. Candee, former Adjutant General of Alabama, for the year 1874.

I have the honor to be,

Yours, &c.,

GEO. S. HOUSTON,  
Governor of Alabama,

Leave of absence was granted Mr. Harriss of Russell, for one week from Saturday next.

Mr. Haralson, by leave, called up a House bill—

H. B. 208. To extend the rights and privileges of the Gas Light Company of Selma, until the year nineteen hundred and three;

Which was read the first, second and third times under a suspension of the constitutional rule, and passed.

#### CALL OF THE DISTRICTS.

Bills were introduced.

By Mr. Coleman, with a petition—

S. B. 267. For the relief of Charles H. Hollingsworth, of Limestone county, and William McKeag, of Colbert county ;

Which was read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Privileges and Elections.

Also,

S. B. 268. Providing for the election of a solicitor for each judicial circuit in the State, in accordance with section 853 of the Revised Code.

Also,

S. B. 269. Defining and prescribing the duties of county solicitor.

By Mr. Moore—

S. B. 270. To define the duties of county solicitors;

Also,

S. B. 271. To create the office of solicitor for each judicial circuit of the State of Alabama ;

Which were severally read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Revision of the Laws.

By Mr. Coleman —

S. B. 272. To prescribe the manner in which the public school fund shall be disbursed ;

Which was read the first and second times, under a suspension of the constitutional rule, and referred to a select committee composed of Messrs. Little, Coleman and Moore, with instructions to report to-morrow.

By Mr. Inzer—

S. B. 273. To amend section one of an act entitled "an act to amend an act to incorporate the Pensacola Railroad Company," approved February 16, 1867.

By Mr. Little—

S. B. 274. To secure mechanics and employes of the different railroads in this State their wages ;

Which were severally read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Internal Improvements.

By Mr. Cobb—

S. B. 275. To amend section 2136 of the Revised Code of Alabama.

By Mr. Little—

S. B. 276. In relation to depositions in the courts of common law in this State ;

Also,

S. B. 277. In relation to the practice in the chancery courts of this State ;

Also,

S. B. 278. To relieve James Crusoe Simpson of Sumter county from the disabilities of non-age ;

Also,

S. B. 279. To relieve W. O. Winston, guardian of Sallie Whitsitt, from making annual settlements.

By Mr. Hamilton—

S. B. 280. To provide for the transfer of trust estates in this State to other States ;

Also,

S. B. 281. To enforce penalties imposed on corporations.

By Mr. Parks—

S. B. 282. For the relief of Samuel M. Adams of Troy, and his co-sureties ;

Which were severally read the first and second times, under a suspension of the constitutional rule, and referred to the Judiciary Committee.

By Mr. Cobb—

S. B. 283. To prevent the destruction of deer, birds and fish in the State of Alabama ;

Which was read the first and second times under a suspension of the constitutional rule, and referred to a special committee composed of Messrs. Martin of Conecuh, Ervin and Golson.

By Mr. Cobb—

S. B. 284. To regulate the fees and compensation of the judge of probate for Montgomery county ;

Which was read the first and second times, under a suspension of the constitutional rule.

Mr. Black moved to amend by striking out the words “judges of probate of Montgomery county,” and inserting “several judges of probate in this State ;”

The bill and amendment were referred to the Committee on Municipal and County Organizations.

MESSAGE FROM THE HOUSE,

By Mr. Whitman :

Mr. President :

The House has originated and passed the following bill—

H. B. 242. To establish an election precinct in the county of Madison, to be known as precinct number fourteen (14.)

The House has concurred in the Senate joint resolution, Extending the present session of the General Assembly.

ELLIS PHELAN,  
Clerk.

The House bill—

H. B. 128. To repeal an act entitled “an act to protect the planters of this State from imposition in the sale of fertilizers,” approved March 8, 1871 ;

Was read the first, second and third times, under a suspension of the constitutional rule, and passed.

Bills were introduced—

By Mr. Terrell, with a petition—

S. B. 285. To repeal an act to amend “an act to establish revenue laws for the State of Alabama,” approved 9th February, 1871, so far as the same relates to Tallapoosa county.

By Mr. Farden—

S. B. 286. To authorize the renewal of certain bonds of the city of Montgomery, now past due.

By Mr. Little—

S. B. 287. To provide for the payment of notices for election on the third of November, under Governor Lewis’ proclamation ;

Which were severally read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Finance.

By Mr. Little—

S. B. 288. In relation to the fees of solicitors and sheriffs and clerks in certain cases.

By Mr. Martin of Conecuh, with petition.

S. B. 289. To change the lines between the counties of Lowndes and Butler ;

Which were severally read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Municipal and County Organizations.

By Mr. Little—

S. B. 290. To regulate the sale of spirituous and vinous liquors in this State ;

Which was read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Temperance.

By Mr. Little—

S. B. 291. To relieve Miss Sallie J. Whitsitt of the disabilities of non-age ;

Which was read the first and second times, under a suspension of the constitutional rule.

Mr. Grayson moved to make the provisions of the bill applicable to Jas. W. Clark of Madison county.

Mr. Golson moved to add the name of W. M. Golson of Autauga county ;

The bill and amendments were referred to the Judiciary Committee.

The House bill—

H. B. 2. To repeal “an act to establish a criminal court for the county of Butler, with criminal and civil jurisdiction ;

Was read the first and second times, under a suspension of the constitutional rule.

Mr. Farden moved to amend by abolishing all city and criminal courts in the State.

On motion of Mr. Martin of Conecuh, the amendment was laid on the table.

The bill was referred to a special committee of three, consisting of Messrs. Martin of Conecuh, Robinson and Dereen, with instructions to report to-morrow morning.

#### MESSAGE FROM THE HOUSE

By Mr. Garrett :

Mr. President :

The House has passed the Senate bill—

S. B. 133. To authorize the judge of the ninth judicial circuit, in the State of Alabama, to hold a special term in Russell county.

ELLIS PHELAN,  
Clerk.

Mr. Hamilton, from the Joint Committee of the two Houses, to which was referred the message of the Governor upon the subject of the liability of the State on bonds issued, and on bonds endorsed by the State, and the Senate bills—

S. B. 103. For the appointment of commissioners to liquidate claims against the State, arising from bonds issued and endorsed in the name of the State of Alabama.

S. B. 258. For the appointment of commissioners to compromise and arrange for the liquidation of all claims against the State of Alabama from bonds issued or endorsed in the name of the State.

Reported a substitute for the bills entitled—

S. B. 258. An act for the appointment of commissioners to liquidate and adjust all claims against the State of Alabama, arising from bonds issued or endorsed in the name of the State.

The substitute was adopted.

Mr. Farden moved to lay the bill on the table, print one hundred and fifty copies, and make it the special order for 12 o'clock Monday.

Mr. Carmichael moved to strike out the printing of 150 copies.

Lost.

Mr. Grayson moved to amend the bill by adding the following:

"Provided the compensation of the commissioners shall not exceed two thousand dollars each, per annum."

On motion of Mr. Robinson, the amendment of Mr. Grayson was laid on the table.

Mr. Farden's motion prevailed.

Mr. Parks, by leave, introduced a bill—

S. B. 292. For the relief of the Montgomery and Eufaula Rail Road Company ;

Which was read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Finance.

Mr. Carmichael, from the Committee on Internal Improvements, reported favorably to the bills—

S. B. 230. To repeal an act entitled " an act to furnish the aid and credit of the State of Alabama, for the purpose of expediting the construction of railroads within the State.

S. B. 62. To authorize suits to be brought against private corporations in any county in this State, where they make contracts ;

Which were severally read the third time, under a suspension of the constitutional rule, and passed,

Mr. Carmichael, from same committee, reported favorably to the bill—

S. B. 61. To repeal an act entitled an act to authorize the several counties, towns and cities of the State of Alabama, to subscribe to the capital stock of such railroads throughout the State, as they may consider most conducive to their respective interests.

Mr. Carmichael moved to lay the bill on the table, that he might call up a House bill on the same subject.

Carried.

H.B. 173. The House bill, with a like caption, was taken up, and read the first and second times, under a suspension of the constitutional rule.

Mr. Farden moved to amend, by exempting the county of Montgomery from the provisions of this act.

On motion of Mr. Moore, the amendment was laid on the table.

The rule was further suspended, the bill read the third time and passed.

Mr. Carmichael, from same committee, reported adversely to the bill—

S. B. 32. To amend section two of an act entitled “ an act regulating the charges for the transportation of freight upon rail roads within this State.”

The report was concurred in.

Also, adversely to the bill—

S. B. 159. To exempt from taxation the property of companies formed for opening the Sipsey river to navigation with steam and keel boats.

The report was concurred in. Yeas 17—nays 12.

Those who voted in the affirmative are—

Messrs. Carmichael, Cobb, Coleman, Curtis, Edwards, Farden, Glass, Haralson, Harris of Lee, Harris of Russell, Inzer, Martin of Conecuh, Moore, Parks, Robinson, Royal and Snodgrass—17.

Those who voted in negative are—

Messrs. Cooper, Cunningham, Ervin, Grayson, Green, Hamilton, Jones, Leftwich, Little, Martin of Tuscaloosa, Terrell and Walton—12.

Mr. Walton, by leave, offered the following resolution :

Resolved, That the engrossing and enrolling clerk be allowed an assistant when actually necessary to facilitate and carry on the business of the Senate.

On motion of Mr. Robinson, further action on the resolution was postponed till to-morrow.

On motion of Mr. Edwards, leave of absence till Monday was granted the Senate members of the Joint Committee on the Penitentiary.

On motion of Mr. Parks, the name of Mr. Driesbach was substituted for his on the committee.

Mr. Martin of Conecuh, moved to adjourn.

Lost. Yeas 11—nays 17.

Those who voted in the affirmative are—



Messrs. Curtis, Edwards, Ervin, Farden, Green, Jones, Martin of Conecuh, Martin of Tuscaloosa, Moore, Royal and Snodgrass—11.

Those who voted in the negative are—

Messrs. Carmichael, Cobb, Coleman, Cooper, Cunningham, Glass, Grayson, Hamilton, Haralson, Harris of Lee, Harris of Russell, Inzer, Leftwich, Little, Parks, Robinson and Walton.—17.

Mr. Robinson moved a suspension of the order of business to allow the Committee on Finance to report a bill reducing the per diem of members of the General Assembly.

Lost. Yeas 10—nays 20.

Those who voted in the affirmative are Messrs. Carmichael, Coleman, Cooper, Driesbach, Little, Martin of Conecuh, Martin of Tuscaloosa, Moore, Parks and Robinson—10.

Those who voted in the negative are—

Messrs. Cobb, Cunningham, Curtis, Edwards, Ervin, Farden, Glass, Grayson, Green Hamilton, Haralson, Harris of Lee, Harris of Russell, Inzer, Jones, Leftwich, Royal, Snodgrass, Terrell and Walton—20.

On motion of Mr. Martin of Conecuh, the Senate adjourned till quarter after 10 o'clock to-morrow morning.

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FRIDAY, December 11th, 1874.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Jones.

On a call of the roll, the following Senators answered :

Messrs. Black, Carmichael, Cobb, Coleman, Cooper, Cunningham, Curtis, Dereen, Ervin, Farden, Glass, Golson, Grayson, Green, Hamilton, Haralson, Harris of Russell, Inzer, Jones, Leftwich, Little, Martin of Conecuh, Martin of Tuscaloosa, Parks, Robinson, Royal, Snodgrass, Terrell and Walton—29.

The journal of yesterday was read and approved.

Leave of absence was granted Mr. Harris of Lee, for two days, and Mr. Moore for one day.

#### MESSAGE FROM THE HOUSE,

By Mr. Garrett :

Mr. President :

The House has adopted the following resolution :

Resolved by the House, the Senate concurring, That a com-

mittee be appointed—three from the House and two from the Senate— who shall agree upon and appoint a day for the adjournment of the General Assembly, and also a day for the re-assembling of the same, and report their deliberations as early as practicable.

Committee—Messrs. Higgins, Stallworth and Price.

Also, joint resolutions herewith sent,

For the appointment of a joint committee composed of the Finance Committee of the House and such committee as the Senate may appoint, to inquire into the conduct of tax collectors and others, and whether there have been any violation of the act to prevent certain officers from trailing in State warrants, &c., and the act known as the funding act.

The House has concurred in the Senate joint resolution in relation to the appointment of a joint committee on the subject of redistricting the State and dividing it into eight congressional districts.

Committee—1st district, Mr. Brewer ; 2d. Mr. Cashin ; 3d. Mr. Greene of Lee ; 4th. Mr. Lewis of Perry ; 5th. Mr. Betts ; 6th. Mr. Greene of Jefferson ; and for the State at large, Messrs. Clements and Bruce.

And has originated and passed the following bills:

H. B. 283. To require the Auditor to draw his warrant on the State treasurer in favor of the county treasurer of Escambia county for one thousand and fifty dollars,

H. B. 281. To change the boundary line between Pike and Bullock counties.

H. B. 279. Joint resolution to provide a contingent fund of twenty dollars for Jack F. Cooke, door keeper of the House.

ELLIS PHELAN,  
Clerk.

Mr. Little, from the select committee, reported favorably to the bill—

S. B. 272. To prescribe the manner in which the public school fund shall be disbursed.

The bill was read the third time, under a suspension of the constitutional rule.

On motion of Mr. Parks, the bill was recommitted to the same committee.

Mr. Hamilton submitted the following amendment, to be committed with the bill :

Add at the end of section 11, the following : “ Provided, that in the county of Mobile all collections of money for school purposes, which in other counties are to be paid to the county

superintendent of education, shall by the tax collectors and other collectors of school funds, be paid into the Bank which is made the depository of State and county funds, to the credit of the school fund, to be paid out on checks or orders of the board of school commissioners, or under their authority, in the same manner as county funds are now required to be paid."

On motion of Mr. Hamilton, the vote recommitting the bill was reconsidered.

The vote by which the bill was ordered to a third reading, was reconsidered.

The amendment offered by Mr. Hamilton was adopted, the bill read the third time, under a suspension of the constitutional rule, and passed, and ordered forthwith to the House.

Mr. Coleman, by leave, introduced a bill—

S. B. 293. To punish county superintendents of education for embezzlement ;

Which was read the first and second times, under a suspension of the constitutional rule, and referred to the same select committee, composed of Messrs. Little, Coleman and Moore.

On motion of Mr. Coleman, the motion to commit was reconsidered.

The bill was read the third time, under a suspension of the constitutional rule, and passed, and ordered to the House.

Mr. Martin of Conecuh, from the select committee to which was referred the House bill—

H. B. 2. To repeal an act to establish a criminal court for the county of Butler, with criminal and civil jurisdiction, Reported favorably thereto.

The bill was read the third time, under a suspension of the constitutional rule, and passed. Yeas 27.

Those who voted in the affirmative are—

Messrs. Black, Cobb, Coleman, Cooper, Cunningham, Curtis, Dereen, Ervin, Farden, Glass, Golson, Grayson, Green, Hamilton, Haralson, Harris of Russell, Inzer, Jones, Leftwich, Martin of Conecuh, Martin of Tuscaloosa, Parks, Robinson, Royal, Snodgrass, Terrell and Walton—27.

The bill was ordered forthwith to the House.

Mr. Farden, by leave, introduced a bill—

S. B. 294. To amend section thirteen of an act to provide for funding of the domestic debt of this State, approved December 19, 1873 ;

Which was read the first and second times, under a suspension of the constitutional rule, and referred to the Finance Committee.

Mr. Cobb, from the Committee on Federal Relations, reported favorably to the bill—

S. B. 229. To execute the power of disposal of the lands granted by the act of Congress, entitled an act planting public lands in alternate sections to the State of Alabama, to aid in the construction of certain railroads in said State, approved June 3, 1856, which power of disposal is conferred upon the Legislature of Alabama by said act of Congress.

On motion of Mr. Martin of Tuscaloosa, the further consideration of the report and bill was postponed till Tuesday next, and made the special order for 12 o'clock, and 150 copies ordered printed of the bill.

Mr. Parks, from the Committee on Municipal and County Organizations, reported favorably, with an amendment, to the bill—

S. B. 241. To incorporate the city of Birmingham, in Jefferson county, and an act amendatory thereof, approved March 16, 1873, and for other purposes.

Amend by striking out, where the words first occur, "third Monday of December," (time of election,) and inserting "first Monday of January, A. D. 1875."

The amendment was adopted, the bill read the third time, under a suspension of the constitutional rule, and passed.

Also, favorably to the bills—

S. B. 118. To prohibit the manufacture, sale or other disposition of spirituous, vinous or malt liquors, or bitters, within two miles of Talladega Springs, in the county of Talladega.

S. B. 116. To amend an act entitled, an act to incorporate the Alabama Oil and Mining Company.

S. B. 200. To amend section three of an act entitled, an act to amend the charter of the city of Talladega, approved February 8, 1872, and to repeal all laws in contravention thereto ;

Which were severally read the third time, under a suspension of the constitutional rule, and passed.

Also, favorably, with a substitute, for the bill—

S. B. 218 ½ . To amend an act entitled, an act to incorporate the stockholders of the Wilcox Female Institute, approved January 31, 1850.

The substitute was adopted, the bill read the third time, under a suspension of the constitutional rule, and passed.

Also, favorably to the bill—

S. B. 27. To change the county line between the counties of Montgomery and Pike ;

Which was read the third time, under a suspension of the

constitutional rule, and passed by a two-thirds vote. Yeas 26, nays 1.

Those who voted in the affirmative are—

Messrs. Black, Carmichael, Cobb, Coleman, Cunningham, Curtis, Dereen, Ervin, Farden, Glass, Golson, Grayson, Green, Hamilton, Haralson, Harris of Russell, Inzer, Jones, Leftwich, Little, Martin of Conecuh, Parks, Robinson, Snodgrass, Terrell and Walton—26.

Mr. Martin of Tuscaloosa, voted in the negative.

On motion of Mr. Robinson,

The resolution relative to allowing the engrossing and enrolling clerk an assistant, was taken up.

Mr. Robinson offered the following as a substitute :

“Resolved, That the secretary of the Senate be authorized to employ such additional assistants, when actually necessary, as will be required for the dispatch of business ; provided, that no assistant, employed under this resolution, shall receive pay except for services actually rendered.”

Mr. Terrell moved to amend the substitute by adding the following :

Be it resolved. That the Assistant Secretary of the Senate be authorized and required to take charge of the enrolling department, and is hereby authorized to employ assistance when necessary ; Provided, No such assistant shall receive pay except for services actually rendered.

The resolution, substitute and amendment, were referred to a special committee, composed of Messrs. Robinson, Terrell and Snodgrass.

Mr. Haralson, by leave, offered joint resolutions—

Requiring the Auditor to draw his warrant, and the Treasurer to pay the same to members of this General Assembly, regardless of existing laws ;

Which was read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Finance.

Mr. Little, by leave, called up the House joint resolutions, to raise a joint committee to agree upon a day for taking a recess.

On motion of Mr. Cobb, the resolution was laid on the table.

Mr. Robinson offered the following resolution :

Resolved, by the Senate, the House of Representatives concurring, That when each House of this General Assembly adjourn on Thursday, the 17th day of December, 1874, it shall stand adjourned until 12 o'clock Wednesday, the 13th day of January, 1875 ; Provided, No member of the General Assem-

bly shall be entitled to receive any mileage in going to or returning from his home.

Mr. Haralson moved to strike out "17th" and insert "19th."

On motion of Mr. Little, the motion was tabled

Mr. Farden moved to adjourn on the "21st" instead of the "17th."

On motion of Mr. Robinson, the motion was tabled.

Mr. Coleman moved to adjourn on the "22d" instead of the "17th."

On motion of Mr. Walton, the motion was tabled.

Mr. Haralson moved to strike out "mileage."

On motion of Mr. Robinson, the motion was tabled.

The resolution was adopted, and ordered forthwith to the House.

Leave of absence was granted Mr. Cobb for one day.

Mr. Hamilton moved to take up the House joint resolutions—

For the appointment of a joint committee, composed of the Finance Committee of the House and such committee as the Senate may appoint, to inquire into the conduct of tax collectors and others, and whether there have been any violations of the act to prevent certain officers from trading in State warrants, and the act known as the funding act.

The motion prevailed, and the resolutions were adopted.

Mr. Farden moved to reconsider the vote adopting, the resolutions Lost,

Messrs. Ervin and Parks were appointed the committee on the part of the Senate.

The House joint resolution—

H. B. 279. To provide a contingent fund of twenty dollars for Jack F. Cocke, door-keeper of the House ;

Was read the first and second times, under a suspension of the constitutional rule.

On motion of Mr. Haralson, it was indefinitely postponed.

The House bill—

H. B. 281. To change the boundary line between Pike and Bullock counties ;

Was read the first, second and third times, under a suspension of the constitutional rule, and passed by a two-thirds votes—yeas 23, nays 1.

Those who voted in the affirmative are—

Messrs. Black, Carmichael, Cobb, Cooper, Cunningham, Curtis, Dereen, Ervin, Farden, Glass, Grayson, Green, Hamilton, Haralson, Inzer, Jones, Little, Martin of Conecuh, Park's, Robinson, Snodgrass, Terrell and Walton—23.

Mr. Martin of Tuscaloosa voted in the negative.

## MESSAGE FROM THE HOUSE

By Mr. Phelan.

Mr. President :

The House has adopted the accompanying joint resolution—

Requiring certain duties of the clerks of the Committee on the Judiciary of the House and Senate, respectively, in relation to incorporating the general acts of the present General Assembly into the new Code.

ELLIS PHELAN,  
Clerk.

## MESSAGE FROM THE GOVERNOR

By his Recording Secretary:

STATE OF ALABAMA,  
EXECUTIVE DEPARTMENT,  
MONTGOMERY, ALA., Dec. 11, 1874.

Mr. President:

I am directed by the Governor to inform the Senate that he has this day approved the following bill which originated in the Senate :

S. B. 133. An act to authorize the judge of the ninth judicial circuit, in the State of Alabama, to hold a special term in Russell county.

Respectfully,  
IKE H. VINCENT,  
Recording Secretary.

Mr. Carmichael, by leave, introduced a bill—

S. B. 294½. For the relief of Henry W. Battle of the county of Barbour ;

Which was read the first and second times, under a suspension of the constitutional rule.

Mr. Snodgrass moved to indefinitely postpone the bill.

On motion of Mr. Parks, the motion was laid on the table.

The bill was ordered to a third reading on to-morrow, and made the special order for 12 o'clock.

## ENROLLED BILLS.

Mr. Dereen, from the Committee on Enrolled Bills, reported the following as correctly enrolled :

S. B. 133. An act to authorize the judge of the 9th judicial circuit, in the State of Alabama, to hold a special term in Russell county.

Mr. Farden, by leave, introduced a bill—

S. B. 295. To amend “an act for the relief of laborers and employees,” so far as the same relates to certain persons carrying on business in the city of Montgomery ;

Which was read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Revision of Laws.

Mr. Martin of Tuscaloosa, from the Committee on Local Legislation, reported favorably to the bill—

S. B. 212. To make certain warrants and certificates receivable in payment of the county taxes of Montgomery county.

Mr. Farden moved to amend so as to include “witness certificates,” “warrants for medicines,” and for all other supplies furnished for the county.

On motion of Mr. Parks, the bill was made the special order for Tuesday next 12 o’clock.

On motion of Mr. Parks, the Senate adjourned till quarter past ten o’clock to-morrow morning.

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SATURDAY, December 12, 1874.

The Senate met pursuant to adjournment.

Prayer by Rev. J. B. Jones.

On a call of the roll the following Senators answered to their names :

Messrs. Coleman, Cooper, Cunningham, Curtis, Dereen, Ervin, Glass, Golson, Grayson, Green, Hamilton, Inzer, Jones, Leftwich, Little, Martin of Conecuh, Martin of Tuscaloosa, Moore, Parks, Robinson, Royal, Snodgrass, Terrell and Walton—24.

The journal of yesterday was read and approved.

Leave of absence was allowed the door-keeper.

The President announced that he had appointed Mr. Martin of Conecuh a member of the Committee on Municipal and County Organizations.

#### MESSAGE FROM THE HOUSE

By Mr. Garrett.

Mr. President :

The House has concurred in the Senate joint resolution—

In relation to the two Houses taking a recess on Thursday,



the 17th instant, and re-assembling on Wednesday, the 13th day of January, 1875.

And has originated and passed a bill—

H. B. 8. To repeal “an act to suppress murder, lynching and assaults and batteries,” approved December 28, 1868.

ELLIS PHELAN,  
Clerk.

Mr. Robinson moved to reconsider the vote ordering to the House the bill—

S. B. 272. To prescribe the manner in which the public school fund shall be disbursed ;

The motion prevailed.

Mr. Robinson moved to reconsider the vote by which the bill passed ;

Lost—yeas 13, nays 14.

Those who voted in the affirmative are—

Messrs. Carmichael, Cooper, Cunningham, Ervin Grayson, Hamilton, Martin of Tuscaloosa, Moore, Parks, Robinson, Royal, Terrell and Walton—13.

Those who voted in the negative are—

Messrs. Black, Coleman, Curtis, Dereen, Farden, Glass, Golson, Green, Inzer, Jones, Leftwich, Little, Martin of Conecuh and Snodgrass—14.

The hour of 12 o'clock having arrived, the special order was taken up, which was the bill—

S. B. 194½. For the relief of Henry W. Battle, of the county of Barbour.

The bill was read the third time, and passed, and ordered to the House without being engrossed.

Bills were introduced.

By Mr. Terrell—

S. B. 295½. To protect the State in the payment of the interest on the State obligations in certain cases ;

Which was read the first and second times, under a suspension of the constitutional rule, and referred to the Finance Committee, with instructions to report on Monday.

By Mr. Martin of Conecuh—

S. B. 296. To amend section 3680 of the Revised Code;

Which was read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Revision of Laws.

By Mr. Martin of Conecuh—

S. B. 297. To abolish the court of county commissioners of Montgomery county, and transfer its jurisdiction to other tribunals.

By Mr. Cooper—

S. B. 298. To amend section 7 of “ an act to abolish fencing in certain portions of Montgomery county,” approved January 29th, 1867 ;

Which were severally read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Local Legislation.

By Mr. Martin of Conecuh—

S. B. 299. To establish a Board of Revenue for Montgomery county ;

Which was read the first and second times, under a suspension of the constitutional rule.

Mr. Black moved to amend by making the law general in its character.

The bill and amendment were referred to the Committee on Local Legislation.

By Mr. Martin of Conecuh—

A memorial of colored property holders of Greenville, against levying an additional or special tax on the property in said town ;

Which was referred to the Finance Committee.

By Mr. Grayson—

S. B. 300. To arrange the time for holding the circuit courts in the fifth judicial circuit ;

Which was read the first and second times, under a suspension of the constitutional rule, and referred to a special committee composed of Messrs. Grayson, Edwards and Snodgrass.

By Mr. Robinson—

S. B. 301. To prevent any person from camping within one hundred yards of any church within one-half mile of Fredonia, Chambers county, Alabama.

By Mr. Curtis—

S. B. 302. Joint resolution to pay James Hale, of Montgomery county, for work done on Senate Chamber ;

Which were severally read the first, second and third time, under a suspension of the constitutional rule, and passed.

By Mr. Little—

S. B. 403. In relation to the competency of witnesses.

Also,

S. B. 304. To prescribe the terms in which appeals may be taken to the supreme court in certain cases ;

Which were severally read the first and second times, under a suspension of the constitutional rule, and referred to the committee on the Judiciary.

## MESSAGE FROM THE HOUSE,

By Mr. Whitman :

Mr. President:

The House has originated and passed the following bill :

H. B. 218. To prohibit the sale of spirituous, vinous or malt liquors within three miles of the Baptist church in the town of Rodgersville, in Lauderdale county.

And has passed the Senate bill—

S. B. 226. for the relief of H. M. Meadows, late tax collector of Elmore county.

ELLIS PHELAN,

Clerk.

Mr. Farden, by leave, offered the following joint resolution, which was adopted :

Resolved, by the Senate, the House of Representatives concurring, That there shall be a committee of two on the part of the Senate, and three on the part of the House, appointed to visit the Alabama Agricultural and Mechanical College, located at Auburn, and to report to the General Assembly upon the condition and management of said institution ; and who shall also report upon the financial condition of said college, and how much of the funds, provided by act of Congress for the support of such college, has been received by or expended for said college.

Mr. Dereen, from the Committee on Enrolled Bills, reported the following correctly enrolled :

S. B. 226. For the relief of H. M. Meadows, late tax collector of Elmore county.

Mr. Robinson, from that special committee, to which was referred the resolution to employ assistance for the engrossing and enrolling clerks, reported the following substitute for the pending resolution, substitute and amendments :

Resolved by the Senate, That the Senator from Dale be authorized and required to take charge of the engrossing and enrolling of bills required by the Senate, and when the present clerks and secretaries cannot perform the work required of them, he is hereby authorized to employ such assistance as may be necessary, and will certify the amount due such persons so employed to the secretary of the Senate.

Mr. Farden moved to recommit.

On motion of Mr. Robinson, the motion was tabled.

Mr. Black moved to postpone the further consideration till after the recess.

On motion of Mr. Terrell, the motion was tabled.

Mr. Black moved to insert the President of the Senate, in lieu of the Senator from Dale.

On motion of Mr. Robinson, the motion was tabled.

Mr. Black moved to insert Secretary of the Senate, in lieu of Senator from Dale.

On motion of Mr. Cooper, the motion was laid on the table.

The substitute was adopted, and the resolution, as substituted, was adopted.

Mr. Coleman moved to adjourn.

Lost.

Mr. Cooper, by leave, called up the House joint resolution, H. B. For the payment of certain claims for repairs to the furniture, &c., of the House ;

Which was read the first, second and third times, under a suspension of the constitutional rule, and adopted.

Mr. Martin of Tuscaloosa, from the Committee on Local Legislation, reported favorably to the bill—

S. B. 21. To amend section one of an act entitled, an act to prohibit the sale of spirituous or vinous liquors within one mile of Camp Hill church, in Tallapoosa county ;

Which was read the third time, under a suspension of the constitutional rule, and passed, and ordered to the House without being engrossed.

Also, favorably, with an amendment, to the bill—

S. B. 152. To repeal an act entitled “an act to establish a criminal court for the county of Bullock, with criminal and civil jurisdiction.”

Amend by adding the following section :

“Sec. 2. Be it further enacted, That the fines and forfeitures originating from said criminal court of Bullock county, be consolidated with the general fund of the county, and that all fees and costs due the officers of said court, to-wit: clerk, sheriff, and county solicitor, payable out of said fine and forfeiture fund, be paid out of the general fund of said county of Bullock, under the same rules and regulations governing other claims against the county ; Provided, nevertheless, that this act shall not take effect until the 23d day of March, 1875.”

The amendment was adopted, the constitutional rule suspended, the bill read the third time and passed.

Mr. Farden moved to adjourn.

Lost.

The House bill—

H. B. 8. To repeal an act entitled “an act to suppress murder, lynching, and assaults and batteries,” approved December 28, 1868 ;

Was read the first and second times, under a suspension of the constitutional rule.

Mr. Black moved to commit the bill to the Committee on Federal Relations.

On motion of Mr. Coleman, the motion was tabled.

The rule was further suspended, the bill read the third time and passed.

Mr. Moore, from the Committee on Revision of Laws, reported favorably to the bills—

S. B. 195. To prevent the burning of any car, train of cars, car shed, cotton house, cotton pen or corn pen.

S. B. 162. To prevent any one from knowingly, wilfully and without the consent of the owner, taking and carrying away the timber or rails upon any lands in this State ;

Which were read the third time, under a suspension of the constitutional rule, and passed.

On motion of Mr. Robinson, the bill—

S. B. 54. To amend the following sections in the Revised Code of Alabama : Sections 3514, 3515, 3517, 3518, 3520, 3521, 4333, 4336, 4337, 4338, 4339, 4340, 4341, 4342, 4363, 2730, 2960 and 3525,

Was recommitted to the Finance Committee.

On motion of Mr. Carmichael, the Senate adjourned till quarter past 10 o'clock on Monday morning.

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MONDAY, December 14, 1874.

The Senate met pursuant to adjournment.

Prayer by Rev. Dr. Petrie.

On a call of the roll, the following Senators answered to their names :

Messrs. Black, Carmichael, Coleman, Cunningham, Curtis, Dereen, Ervin, Glass, Grayson, Green, Hamilton, Inzer, Leftwich, Little, Martin of Tuscaloosa, Moore, Robinson, Royal, Snodgrass, Terrell and Walton—21.

The journal of Saturday was read and approved.

Mr. Hamilton, by leave, introduced a bill—

S. B. 305. For the relief of Henry St. Paul of Mobile county ;

Which was read the first, second and third times, under a suspension of the constitutional rule, and passed, and ordered forthwith to the House.

Mr. Robinson moved to reconsider the vote adopting the

joint resolution appointing a joint committee to visit and report upon the condition of the agricultural college.

The further consideration of the motion was postponed.

Mr. Grayson moved to suspend the call of the districts to allow committees to report.

Mr. Robinson moved to lay the motion on the table.

Lost.

The motion to suspend prevailed.

Mr. Martin of Tuscaloosa, from the Committee on Local Legislation, reported favorably to the bills—

S. B. 204. To amend sections one and three of “an act to extend the jurisdiction, powers and duties of the harbor master and port warden of Mobile,” approved March 3, 1870.

S. B. 131. To amend section one of an act, approved March 27, 1873, entitled “an act in relation to the fine and forfeiture fund of Tuscaloosa county and other counties therein named”;

Which were read the third time, under a suspension of the constitutional rule, and passed.

Also, favorably to the bill—

S. B. 153. To allow the administrator of the estate of Celia Baldwin, deceased, to sell the personal property belonging to said estate at private sale ;

Which was read the third time, under a suspension of the constitutional rule.

On motion of Mr. Robinson, the further consideration of the bill was indefinitely postponed.

#### MESSAGE FROM THE HOUSE

By Mr. Whitman :

Mr. President :

The House has passed the Senate bill :

S. B. 220. To prohibit the sale, gift or barter of intoxicating liquors within two miles of the academy in the town of Jasper, Walker county.

And has originated and passed the following bills :

H. B. 231. To prohibit the sale or giving away of vinous, spirituous or malt liquors within three miles of the Agricultural and Mechanical College of Alabama, in Lee county.

H. B. 196. To prevent the sale, giving away or bartering of spirituous, vinous or mail liquors within two miles of Bethel church, in Chambers county.

H. B. 195. To prevent the sale, giving away, or otherwise disposing of spirituous, vinous or malt liquors within Beat No. 10, in the county of Choctaw.

H. B. 105. To prohibit the sale or giving away of intoxicating or spirituous liquors within three miles of Ash Creek Methodist Episcopal church, and Ash Creek Baptist church, in Lowndes county.

H. B. 146. To repeal an act entitled, an act to prohibit the sale of spirituous, vinous or malt liquors in the town of Somerville in Morgan county, and within three miles thereof, approved December 16, 1871.

H. B. 168. To prohibit the sale of vinous or spirituous liquors within two miles of Pinckneyville Academy in Clay county, and Liberty Methodist church in Tallapoosa county.

H. B. 29. To amend section 3705 of the Revised Code of Alabama.

H. B. 169. To repeal an act entitled, an act to prevent the sale of spirituous liquors within two miles of Mulberry College in Blount county.

H. B. 148. To prevent the sale of spirituous liquors within two miles from the Masonic Lodge known as the Harrison Lodge No. 246.

ELLIS PHELAN,  
Clerk.

#### ENROLLED BILLS.

Mr. Dereen, from the Committee on Enrolled Bills, reported the following as correctly enrolled :

S. B. 220. To prohibit the sale, gift or barter of intoxicating liquors within two miles of the Academy, in the town of Jasper, Walker county, Alabama.

#### MESSAGE FROM THE GOVERNOR,

By his Recording Secretary.

STATE OF ALABAMA,  
EXECUTIVE DEPARTMENT,  
Montgomery, Dec. 14, 1874.

Mr. President:

I am directed by the Governor to inform the Senate that on the 12th inst. he approved the following bill which originated in and passed the Senate :

S. B. 226. An act for the relief of H. M. Meadows, late tax collector of Elmore county.

Very respectfully,  
IKE H. VINCENT,  
Recording Secretary.

Mr. Martin of Tuscaloosa, from the Select Committee, reported favorably to the bill—

S. B. 157. To provide for the support of the Freedman's Hospital, located near the city of Talladega, Alabama.

Pending the consideration of the report, the hour of 12 o'clock having arrived, the special order was taken up, which was the bill—

S. B. 258. For the appointment of commissioners to liquidate and adjust all claims against the State of Alabama, arising from bonds issued or endorsed in the name of this State.

Mr. Farden moved to amend by adding the following section:

"Be it further enacted. That the salary of such commissioners shall not exceed at the rate per annum of \$2,500, for the time such commissioners may be employed."

On motion of Mr. Hamilton, the amendment was laid on the table.

On motion of Mr. Moore, the words "take charge of and," in the second line of the second section, were stricken out, and the words "enquire of," substituted.

Mr. Moore moved to amend by striking out the word "payment" in the fifth line of the second section of the bill, and inserting the word "settlement."

On motion of Mr. Hamilton, the amendment was laid on the table.

Mr. Moore moved to amend by substituting the word "legal" for the word "alleged," in the sixth line of the second section.

The amendment was adopted.

Mr. Moore offered the following amendment:

After the word "State," in the twelfth line of the second section, insert the following:

"And make full report thereof to the General Assembly, including, in their report, all the evidence relating to the consideration of such bonds or endorsements, and the means by which they were obtained, and whether any of said bonds were sold in violation of the laws relating to the endorsement of the bonds of railroad companies, and also to ascertain and include in their said report, the amount of claims existing against the State on account of bonds issued in the name of the State, and bonds endorsed in the name of the State, and the interest thereon ; to investigate the facts attending the issuance, endorsement and delivery of said bonds, and state specifically in their report, if any, and which of said bonds, were not issued, endorsed or delivered in compliance with the provisions of the constitution, and the act or acts under



and by virtue of which they purport to have been issued, endorsed or delivered.”

Mr. Robinson offered the following as a substitute for the amendment :

Insert, after the word “premises,” in the second line of the third section, the words “together with all the facts upon which their action is based.”

The substitute was adopted,

The bill was read the third time, under a suspension of the constitutional rule.

Mr. Farden moved to postpone the further consideration of the bill, and make it the special order for 12 o'clock tomorrow.

On motion of Mr. Inzer the motion was laid on the table.

Mr. Black moved to adjourn ;

Lost.

The bill passed—yeas 15, nays 9.

Those who voted in the affirmative are—

Messrs Carmichael, Cobb, Coleman, Cunningham, Ervin, Grayson, Hamilton, Harris of Lee, Inzer, Little, Moore, Robinson, Snodgrass, Terrell and Walton—15.

Those who voted in the negative are—

Messrs. Black, Curtis, Farden, Glass, Golson, Green, Leftwich, Martin of Tuscaloosa, and Royal—9.

The bill was ordered to the House.

Mr. Coleman moved to adjourn ;

Lost.

By leave, bills were introduced.

By Mr. Robinson—

S. B. 306. To authorize principal, obligors and promissors not sued, to make themselves voluntary parties defendant in suits at common law, pending against their sureties ;

Also,

S. B. 307. To secure purity in the administration of law ;

Also.

S. B. 308. To allow attachments at law against the statutory separate estates of married women ;

Also,

S. B. 309. To amend section 2562 of the Revised Code.

By Mr. Little—

S. B. 310. To regulate the terms of the courts of the first judicial circuit ;

Which were severally read the first and second times, under a suspension of the constitutional rule, and referred to the Judiciary Committee.

By Mr. Robinson—

S. B. 311. To allow all legal notices in Chambers county to be given by posting such notices at the court-house door in said county ;

Which was read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Local Legislation.

Mr. Farden offered the following resolution :

Resolved, by the Senate of Alabama, That the Governor be requested to report to the Senate, any and all information in his possession, in regard to the geological survey now being prosecuted by Prof. E. A. Smith, at as early a day as possible.

On motion of Mr. Robinson, it was referred to the Committee on Internal Improvements.

Mr. Little introduced a bill—

S. B. 312. To extend the terms of the circuit court of Dallas county ;

Which was read the first, second and third times, under a suspension of the constitutional rule, and passed, and ordered to the House without being engrossed.

Mr. Little offered the following resolution, which was adopted :

WHEREAS, By the constitution of this State, the power to repeal any and all acts of the Board of Education, "in reference to the public educational institutions of the State," is expressly confided to the General Assembly by section 5, article xi., evidently with the view to secure harmony in the legislation of the State ;

And whereas, It is proper that the action of that Board should be brought to the knowledge of the General Assembly, as a system, so as to prevent indiscreet legislation, and to secure wise action by the General Assembly, in the preservation and encouragement of a good system, as well as the removal of a bad system of school legislation ; therefore,

Be it Resolved, by the Senate, the House of Representatives concurring, That a joint committee of the two Houses be raised, consisting, on the part of the Senate, of the Committee on the Revision of the Laws, with such committee as the House may appoint, to take into consideration the legislative acts of the Board of Education now in force, and report, if any, and which, should be repealed by the General Assembly of Alabama.

Mr. Hamilton introduced a bill—

S. B. 313. To re-transfer the records of civil causes decided by the City Court of Mobile, from the Circuit Court to the City Court of Mobile.

Mr. Moore introduced a bill with a petition—

S. B. 314. To prohibit the barter, sale, giving away or in any manner disposing of any spirituous, vinous, malt or other intoxicating liquors, within an area of two miles of Pond Spring Church, in the county of Lawrence ;

Which were severally read the first, second and third times, under a suspension of the constitutional rule, and passed.

The House bill—

H. B. 174. For the relief of P. L. Worsham, of Washington county ;

Was read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Finance.

On motion of Mr. Hamilton, the Senate adjourned till quarter past ten o'clock to-morrow.

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TUESDAY, December 15th, 1874.

The Senate met pursuant to adjournment.

Prayer by Rev. Dr. Gwin.

On a call of the roll, the following Senators answered :

Messrs. Black, Carmichael, Cobb, Coleman, Cooper, Cunningham, Curtis, Dereen, Ervin, Farden, Glass, Golson, Grayson, Green, Hamilton, Harris of Lee, Inzer, Jones, Leftwich, Little, Martin of Tuscaloosa, Moore, Robinson, Royal, Snodgrass, Terrell and Walton—27.

The journal of yesterday was read and approved.

Indefinite leave of absence was granted Mr. Parks, and two days to Mr. Haralson.

The President laid before the Senate a memorial of the State Grange of the Patrons of Husbandry ;

Which was read and referred to the Committee on Internal Improvements.

Mr. Harris of Lee, submitted a report of Rev. Dr. I. T. Tichenor, President of the Agricultural and Mechanical College of Alabama ;

Which was referred to the Committee on Education.

Mr. Farden, by leave, offered the following resolution :

Resolved by the Senate of Alabama, That the Governor be requested to inform the Senate whether there has been a report made by the late Superintendent of Public Instruction of this State, of the operations of that Department of the State Government.

Mr. Coleman moved to lay the resolution on the table.

Lost.

On motion of Mr. Robinson, it was referred to the Committee on Education.

Mr. Hamilton, from the Judiciary Committee, reported favorably to the bill—

S. B. 310. To regulate the terms of the courts of the first judicial circuit ;

Which was read the third time, under a suspension of the constitutional rule, and passed, and ordered forthwith to the House.

Mr. Hamilton, by leave, offered a—

S. B. 315. Joint resolution to authorize the Judges of the Supreme Court to purchase certain acts of Alabama ;

Which was read the first, second and third times, under a suspension of the constitutional rule, and adopted.

Mr. Inzer, by leave, introduced a bill—

S. B. 316. To authorize and empower the auditor of this State to settle the account of G. W. Garmany, late tax collector of Etowah county for the year 1872 ;

Which was read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on finance.

#### MESSAGE FROM THE HOUSE,

By Mr. Garrett—

Mr. President :

The House has passed the following Senate bills :

S. B. 74. For the relief of the city of Troy.

S. B. 109. To compel probate judges, clerks of the circuit court, and registers in chancery of this State to keep direct and reversed indexes of all books and records required by law to be kept in their respective offices.

S. B. 122. To prohibit the sale or giving away of spirituous, vinous or malt liquors in beat seven of the county of Choctaw.

S. B. 259. For the relief of Mrs. Clara T. Irwin, administratrix of T. J. Irwin, deceased ; and F. K. Freeman, administrator of the estate of Andrew B. Irwin, deceased.

S. B. 305. For the relief of Henry St. Paul, of Mobile county.

And has amended as therein shown and passed the Senate bill—

S. B. 86. To repeal an act relating to the term of office of the several tax collectors in this State, approved December 17th, 1873, so far as the same relates to the counties of Lauderdale and Dallas.

And has originated and passed a bill—

H. B. 285. To amend an act entitled “ an act to incorporate the town of North Port, in Tuscaloosa county, approved Febuary 7th, 1871,” and has ordered the same to the Senate forthwith without engrossing.

ELLIS PHELAN,  
Clerk.

MESSAGE FROM THE GOVERNOR,

By his Recording Secretary :

STATE OF ALABAMA,  
EXECUTIVE DEPARTMENT,  
MONTGOMERY, ALA., Dec. 15, 1874.

Mr. President :

I am directed by the Governor to inform the Senate that he has this day approved the following bill which originated in the Senate :

S. B. 220. An act to prohibit the sale, gift or barter of intoxicating liquors within two miles of the Academy in the town of Jasper, Walker county, Alabama.

Respectfully,

IKE H. VINCENT,  
Recording Secretary.

Mr. Snodgrass, by leave, introduced a bill—

S. B. 317. To amend section 2358 of the Revised Code ;

Which was read the first and second times, under a suspension of the constitutional rule, and referred to the Judiciary Committee.

MESSAGE FROM THE HOUSE,

By Mr. Whitman :

Mr. President :

The House has passed the Senate bill—

S. B. 241. To amend an act entitled an act to incorporate the city of Birmingham, in Jefferson county, and an act amendatory thereof, approved March 15th, 1873, and for other purposes.

And has passed with amendment the Senate bill—

S. B. 152 To repeal an act entitled an act to establish a criminal court for the county of Bullock, with criminal and civil jurisdiction.

The House has originated and passed the following bills :

H. B. 65. To amend section 3470 of the Revised Code of Alabama, approved December 8th, 1873, so far as the same applies to Madison county.

H. B. 294. To amend section 665 of the Revised Code.

H. B. 193. To repeal an act to regulate the publication of legal notices in the county of Crenshaw.

H. B. 188. To repeal sections 4031 to 4061, inclusive, of the Revised Code of Alabama, so far as the same relates to the county of Coosa.

ELLIS PHELAN,  
Clerk.

The House bills—

H. B. 70. To number the chancery districts of Conecuh county, and to transfer the business of Escambia county from the county of Butler to Conecuh county.

H. B. 89. To amend an act entitled “an act for the relief of Hiram Gibson of Jackson county,” approved March 3, 1871.

H. B. 123. For the relief of Samuel E. Chapman of Marengo county.

H. B. 52. To authorize the assessment and the collection of the tax upon the lands belonging to the estate of O. T. Prince, deceased, by the tax assessor and collector of the county of Tuscaloosa, and exempt the same from assessment and collection of tax in the county of Hale.

H. B. 46. To allow constables in the county of Pike the same compensation as is now allowed sheriffs in certain cases ;

Were severally read the first and second times, under a suspension of the constitutional rule, and referred to the committee on local legislation.

The House bills—

H. B. 73. To repeal an act entitled “an act to amend sections 4377 and 4990 of the Revised Code of Alabama,” approved October 10, 1868.

H. B. 5. To repeal sections 4031 to 4031, inclusive, of the Revised Code of Alabama, in so far as they relate to the county of Dale.

H. B. 16. To amend section 3733 of the Revised Code of Alabama.

H. B. 19. To regulate the competency of witnesses in criminal cases.

H. B. 64. To authorize W. K. Farmer, as administrator de bonis non of Joseph M. Farmer, deceased, to sell real estate of said deceased.

H. B. 39. To enable private corporations to dissolve their charters and to wind up their corporate affairs.

H. B. 41. To remove the administration of the estate of John A. Goodson, deceased, from the county of Bibb to the county of Tuscaloosa.

H. B. 87. For the relief of Mrs. Matilda A. Gratham, guardian of her children Charles G. P. Gratham and Lucius S. Gratham.

H. B. 29. To amend section 3705 of the Revised Code of Alabama.

H. B. 188. To repeal sections 4031 to 4061, inclusive, of the Revised Code of Alabama, so far as the same relates to

Were severally read the first and second times, under a suspension of the constitutional rule, and referred to the Judici-

The House bill—

H. B. 285. To amend an act entitled " an act to incorporate the town of North Port, in Tuscaloosa county," approved February 7, 1871;

Was read the first, second and third times, under a suspension of the constitutional rule, and passed, and ordered forthwith to the House.

The House bills—

H. B. 25. For the relief of George B. Woods and Mary A. Woods of Pickens county.

H. B. 81. To repeal an act entitled "an act to provide for the collection and distribution of fines and forfeitures, in the counties of Clay and Coosa, so far as the same relates to the county of Clay.

H. B. 33. To authorize Mrs. Jane E. O. Campbell to establish a public ferry across the Choctawhatchee river, in the county of Geneva, at or near the junction of the Choctawhatchee and Pea rivers.

H. B. 43. For the relief of Daniel N. Hicks, late tax collector of Pickens county.

H. B. 3. To repeal an act entitled " an act to abolish the county court of the county of Butler."

H. B. 141. To regulate and fix the terms of the circuit court for the county of Shelby.

H. B. 226. To repeal an act to regulate the mode of drawing grand and petit jurors for Lawrence county.

H. B. 137. To authorize and require the auditor to draw his warrant on the State treasurer in favor of the school fund of Conecuh county for the sum of \$ 1,807 21-100.

H. B. 170. To authorize Elias Dean to establish a public ferry across Mulberry river in Blount county.

H. B. 242. To establish an election precinct in the county of Madison, to be known as precinct number fourteen.

H. B. 195. To prevent the sale, giving away, or otherwise disposing of spirituous, vinous or malt liquors within beat ten in the county of Choctaw.

H. B. 196. To prevent the sale, giving away, or bartering of spirituous, vinous, or malt liquors within two miles of Bethel church in Chambers county.

H. B. 231. To prohibit the sale or giving away of vinous, spirituous, or malt liquors within three miles of the Agricultural and Mechanical College of Alabama, in Lee county.

H. B. 55. To amend an act entitled "an act to amend section 3470 of the Revised Code of Alabama."

H. B. 294. To amend section 665 of the Revised Code.

H. B. 218. To prohibit the sale of spirituous, vinous, or malt liquors within three miles of the Baptist church in the town of Rogersville in Lauderdale county.

H. B. 148. To prevent the sale of spirituous liquors within two miles from the Masonic Lodge, known as the Harrison Lodge No. 246.

H. B. 105. To prohibit the sale or giving away of intoxicating or spirituous liquors within three miles of Ash Creek Methodist Episcopal church, and Ash Creek Baptist church, in Lowndes county ;

Were read the first, second and third times, under a suspension of the constitutional rule, and passed.

The House bills—

H. B. 176. For the relief of the minor children of the late Council Stephenson, deceased.

H. B. 139. To amend section two of an act entitled "an act to create the eleventh chancery district of the northern chancery division," approved December 17, 1873.

H. B. 142. To amend section 3612 of the Revised Code of Alabama.

H. B. 193. To repeal an act to regulate the publication of legal notices in the county of Crenshaw ;

Were read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Revision of Laws.

The House bill—

H. B. 106. To repeal an act entitled "an act for the protection of game in Lawrence county, Alabama," approved March 28, 1873 ;

Was read the first and second times, under a suspension of



the constitutional rule, and referred to a select committee composed of Messrs. Martin of Conecuh, Ervin and Golson.

The House bill—

H. B. 126. To make it lawful for the sheriff of Marion and other counties therein named to execute all processes issued by justices of the peace and notaries public, and receive the usual fees for the same ;

Was read the first and second times, under a suspension of the constitutional rule.

The bill was amended by adding the counties of Perry, St. Clair, Tallapoosa, Autauga, Blount, Jackson, Lawrence, Clarke and Bullock.

The bill was read the third time, under a suspension of the constitutional rule, passed, and ordered forthwith to the House.

The House bill—

H. B. 169. To repeal an act entitled “ an act to prevent the sale of spirituous liquors within two miles of Mulberry College in Blount county ;”

Was read the first and second times, under a suspension of the constitutional rule.

On motion of Mr. Cooper, the further consideration of the bill was indefinitely postponed.

The hour of twelve o'clock having arrived,

On motion of Mr. Cooper the special order was suspended to finish the consideration of House messages.

The House bill—

H. B. 28. To enable guardians of minors to lease the real estate of their wards for more than one year ;

Was read the first and second times, under a suspension of the constitutional rule.

On motion of Mr. Grayson, the word “ three ” was substituted for the word “ five,” before the word “years”—yeas 14, nays 10.

Those who voted yea, on the adoption of the amendment, are—

Messrs. Cobb, Farden, Grayson, Green, Harris of Lee, Inzer, Jones, Martin of Conecuh, Martin of Tuscaloosa, Moore, Robinson, Royal, Snodgrass and Terrell—14.

Those who voted in the negative are—

Messrs. Coleman, Cunningham, Curtis, Dereen, Ervin, Golson, Hamilton, Leftwich, Little and Walton—10.

The rule was further suspended, the bill read the third time, passed, and was ordered forthwith to the House.

The House bill—

H. B. 59. To change the boundary line between the counties of Perry and Bibb ;

Was read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Municipal and County Organizations.

The House memorial—

H. B. 1. To the Congress of the United States, asking grants of lands in Walker county;

Was read and referred to the Committee on Federal Relations.

The House joint memorial—

H. B. 36. To Congress to grant a pension to the surviving soldiers and sailors of the Mexican war,

Was taken up.

On motion of Mr. Inzer, the following was inserted :

Amend by inserting in the sixth line of the first resolution, after the word “war,” the words “and soldiers and sailors of the several Indian wars prior to the Mexican war, not included in former laws granting pensions.”

The memorial was then adopted.

The House bill—

H. B. 47. To define and fix the ex-officio fees of the sheriff and circuit clerks of the county of Walker ;

Was read the first and second times, under a suspension of the constitutional rule.

Mr. Inzer moved to amend by substituting “fifty,” in lieu of twenty-five ”

The amendment was adopted, the rules further suspended, the bill read the third time and passed.

The House bill—

H. B. 283. To require the auditor to draw his warrant on the State Treasurer in favor of the County Treasurer of Escambia county for \$ 1,050 ;

Was read the first and second times, under a suspension of the constitutional rule.

Mr. Cobb moved to lay the bill on the table ;

Lost.

The bill was ordered to a third reading, and made the special order for 12 m., to-morrow.

The House joint resolution—

Requiring certain duties of the clerks of the Judiciary Committees of the House and Senate,

Was read.

Mr. Cobb moved to insert the words “as such clerks,” after the word “required,” in the sixth line ;

The amendment was adopted, and the resolution, as amended, was adopted.

The House bills—

H. B. 168. To prohibit the sale of vinous or spirituous liquors within two miles of Pinckneyville, in Clay county, and Liberty Methodist Church, in Tallapoosa county.

H. B. 146. To repeal an act entitled "an act to prohibit the sale of spirituous, vinous or malt liquors in the town of Somerville, in Morgan county, and within three miles thereof," approved December 16, 1871 ;

Were read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Temperance.

The Senate proceeded to the consideration of the House amendment to the Senate bill—

S. B. 86. To repeal an act relating to the term of office of the several tax collectors in this State, approved December 17, 1873, so far as the same relates to the counties of Lauderdale and Dallas.

On motion of Mr. Farden, the bill was laid on the table.

The House amendment to the Senate bill—

S. B. 152. To repeal an act entitled "an act to establish a criminal court for the county of Bullock, with criminal and civil jurisdiction,"

Was concurred in.

Mr. Cooper, by leave, introduced a bill—

S. B. 317½. To direct the stamping of the State's obligations ;

Which was read the first, second and third times, under a suspension of the constitutional rule, and passed.

Mr. Hamilton, by leave, introduced a bill—

S. B. 318. To regulate the safe keeping and disbursement of public funds received and paid out by county treasurers ;

Which was read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on the Judiciary.

On motion of Mr. Walton, the Senate adjourned till quarter past ten o'clock to-morrow morning.

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WEDNESDAY, December 16, 1874.

The Senate met pursuant to adjournment.

Prayer by Rev. J. B. Jones.

On a call of the roll the following Senators answered to their names :

Messrs. Carmichael, Cobb, Coleman, Cooper, Cunningham,

Curtis, Dereen, Driesbach, Edwards, Ervin, Glass, Golson Grayson, Green, Hamilton, Harris of Lee, Inzer, Jones, Leftwich, Little, Martin of Conecuh, Martin of Tuscaloosa, Moore, Parks, Robinson, Royal, Snodgrass, Terrell and Walton—29.

The journal of yesterday was read and approved.

#### ENROLLED BILLS.

Mr. Harris of Lee, from the Committee on Enrolled Bills, reported the following correctly enrolled :

S. B. 305. For the relief of Henry St. Paul of Mobile.

Mr. Grayson offered the following resolution ;

Resolved, That the Committee on Printing be instructed to report as early as practicable what public documents, transmitted to the Senate by ex-Governor Lewis and Governor Houston, should be printed, and the number of each to be printed.

Mr. Martin of Tuscaloosa, offered the following as a substitute ;

Resolved, That there be printed, for the use of the Senate, the following numbers of the public documents, accompanying the Governor's annual message, to-wit: One thousand each of the reports of the Deaf and Dumb and the Blind Asylum ; Insane Asylum; Superintendent of Public Instruction ; Inspectors of the Penitentiary ; including Pardons, and the Reasons Therefor, by the Governor ; Adjutant General's ; Commissioners to examine State offices, and Governor's message ; five hundred of the report of the Commissioners of Industrial Resources.

Mr. Cobb moved to amend the substitute by striking out " five hundred of the report of the Commissioner of Industrial Resources."

Mr. Farden moved to lay the amendment to the substitute on the table ;

Lost.

The Senate refused to adopt the substitute,

The resolution and Mr. Martin's substitute were referred to the Committee on Printing.

Mr. Edwards offered a joint resolution—

S. B. 319. Authorizing the Auditor to draw his warrant on the Treasurer to pay expenses of the joint committee to visit the Penitentiary and State Farm ;

Which was read the first, second and third times, under a suspension of the constitutional rule, and adopted, and ordered forthwith to the House.

## MESSAGE FROM THE HOUSE

By Mr. Whitman.

Mr. President :

The House has originated and passed the following bills:

H. B. 90. To amend section two of an act to prevent the sale of spirituous or vinous liquors within two and one-half miles of the furnace of the Red Mountain Iron and Coal Company of Jefferson county, approved March 14, 1873.

H. B. 149. To change the name of Baker county to Chilton.

H. B. 194. To amend section one of an act to define the pay of jurors of Crenshaw county, and to authorize the commissioners court to levy a special tax to pay the same.

H. B. 172. To prevent woods burning in Washington county.

H. B. 171. To authorize the sheriff of Washington county by virtue of his office to collect the State and county taxes, and to perform in general all the duties which by law are now required of the tax collector of said county.

H. B. 23. To amend and enlarge section 720 of the Revised Code, providing for the appointment and removal of registers in chancery, so that the same shall more fully conform to the provisions of article six, section fifteen of the constitution of Alabama.

H. B. 186. To repeal section 4031 of the Revised Code of Alabama, so far as it relates to the counties of Coffee and Geneva.

ELLIS PHELAN,  
Clerk.

The House bill—

H. B. 23. To amend and enlarge section 720 of the Revised Code, providing for the appointment and removal of registers in chancery, so that the same shall more fully conform to the provisions of article six, section fifteen of the constitution of Alabama ;

Was read the first time and ordered to a second reading.

Bills were introduced, by leave,

By Mr. Little—

S. B. 320. To amend section nine of " an act to regulate property exempted from sale for the payment of debts."

By Mr. Moore—

S. B. 321. To repeal " an act to amend section 3470 of the Revised Code ;

Which were severally read the first and second times, under

a suspension of the constitutional rule, and referred to the Committee on the Judiciary.

Mr. Walton, from the Finance Committee, reported favorably, with an amendment, to the bill—

S. B. 54. To amend the following sections in the Revised Code of Alabama: Sections 3514, 3515, 3517, 3518, 3520, 3521, 4333, 4336, 4337, 4338, 4339, 4340, 4341, 4342, 4363, 2730, 2960 and 3525.

Amend section 4339, page 19, line 15 of engrossed bill, by striking out “sixty-five” and inserting “ forty.”

The amendment was adopted, and the constitutional rule suspended, to give the bill a third reading forthwith.

On motion of Mr. Cobb, the vote suspending the constitutional rule was reconsidered.

Mr. Farden moved to strike out “ one” and insert “one and one-half,” in the eleventh line of section 3517.

Lost.

Mr. Farden moved to amend the application to sell real estate; appointing a day for hearing and order for notices by striking out “50 cents” and inserting “2.50.”

Lost.

Mr. Moore moved to amend by adding at the end of section 3517, the words “ that on a settlement of insolvent estates a charge shall be made but for one decree.”

The amendment was adopted.

Mr. Farden moved to amend the amendment reported by the committee and adopted, by striking out “ forty “ and inserting “ thirty-five.”

Lost.

The constitutional rule was suspended, the bill read the third time, passed, and ordered forthwith to the House.

Mr. Farden, from the select committee, reported favorably to the bill—

S. B. 262. To amend section two of an act to amend an act to authorize the county of Montgomery to issue bonds, approved December 17, 1873 ;

Which was read the third time, under a suspension of the constitutional rule, and passed, and ordered forthwith to the House.

#### MESSAGE FROM THE HOUSE

By Mr. Martin :

Mr. President :

The House has originated and passed the following bill :

S. B. 316. To repeal an act entitled, an act to amend an act for the relief of the solicitors of the counties of Macon, Monroe and Baldwin, so far as the same relates to the county of Conecuh.

The House has concurred in Senate joint resolution—

S. B. 319. Authorizing the auditor to draw his warrant on the treasurer to pay expenses of joint committee to visit the State penitentiary and State farm,

And ordered the same returned to the Senate forthwith.

The House has adopted joint resolution—

In regard to the appointment of a joint committee to investigate into the matter of the Insane Hospital,

Which, with an accompanying memorial, has been ordered forthwith to the Senate.

Committee on the part of the House, Messrs. Price, Clements and Coon.

ELLIS PHELAN,  
Clerk.

#### MESSAGE FROM THE GOVERNOR

By his Private Secretary.

EXECUTIVE DEPARTMENT,  
STATE OF ALABAMA,  
MONTGOMERY, December 16, 1874.

Mr. President:

I am directed by the Governor to inform the Senate that he has this day approved the following bill, which originated in the Senate:

S. B. 305. "An act for the relief of Henry St. Paul of Mobile county."

Respectfully,

L. R. DAVIS,  
Private Secretary.

Mr. Hamilton, from the Committee on the Judiciary, reported favorably, with a substitute, to the bill—

S. B. 158. Relating to the Southern States Coal, Iron and Land Company, (limited), a corporation of Great Britain, having its principal place of business in the city of Manchester, England, and granting certain powers, rights, and immunities to the said corporation.

The caption of the proposed substitute reads as follows :

S. B. 158. To declare the terms on which foreign corporations organized for mining or manufacturing purposes may

carry on their business and purchase, hold and convey real and personal property in this State.

The substitute was adopted.

On motion of Mr. Terrell, the bill was made the special order for the 14th of January, 1875, at 12 o'clock, m., and 150 copies ordered printed.

Mr. Hamilton, from same committee, reported a substitute for the bill—

S. B. 105. To provide for holding special terms of the circuit court.

The substitute was adopted, the bill read the third time, under a suspension of the constitutional rule, and passed.

Mr. Hamilton, from same committee, reported a substitute for the bill—

S. B. 232. To authorize the State of Alabama to bring civil suits for the assertion of its rights in any court in the State, having jurisdiction of the subject.

The substitute was adopted, the bill read the third time, under a suspension of the constitutional rule, and passed.

The caption of the substitute reads as follows :

S. B. 232. To authorize the State of Alabama to bring civil suits for the assertion of its rights in all cases growing out of the issue or endorsement of bonds in the name of the State, in aid of any railroad company.

On motion of Mr. Martin of Tuscaloosa, all special orders set for this, or previous days, were postponed, and made the special order for Thursday, January 14, 1875.

Mr. Martin of Tuscaloosa, moved to reconsider the vote just taken.

Mr. Moore moved to lay the motion on the table.

Carried.

Mr. Hamilton, from same committee, reported favorably to the bill—

S. B. 246. To prevent judges from exercising the functions of their offices while charges of impeachment are pending against them.

Mr. Black moved to recommit the bill.

On motion of Mr. Moore, the motion was laid on the table.

Mr. Black moved to make it the special order for January 14, 1875.

On motion of Mr. Moore, the motion was tabled.

The bill was read the third time, under a suspension of the constitutional rule, and passed, and ordered to the House without being engrossed.



Mr. Hamilton, from same committee, reported favorably to the bill—

S. B. 251. To protect property in dogs.

Mr. Curtis moved to amend by excluding Perry county from the provisions of the bill.

On motion of Mr. Carmichael, the amendment was laid on the table.

Mr. Royal moved to amend by making the bill inapplicable to the county of Bullock, .

On motion of Mr. Little, the amendment was laid on the table.

The bill was read the third time, under a suspension of the constitutional rule, and passed. Yeas 22—nays 7.

Those who voted in favor of the passage of the bill are—

Messrs. Black, Carmichael, Cobb, Coleman, Cooper, Cunningham, Dereen, Driesbach, Edwards, Ervin, Farden, Glass, Golson, Hamilton, Inzer, Jones, Little, Martin of Conecuh, Martin of Tuscaloosa, Moore, Snodgrass and Terrell—22.

Those who voted in the negative are :

Messrs. Curtis, Grayson, Green, Harris of Lee, Leftwich, Parks and Royal—7.

The bill was ordered to the House forthwith.

Mr. Edwards, by leave, introduced a bill—

S. B. 322. To incorporate the town of Cullman in the county of Blount ;

Which was read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Municipal and County Organizations.

On motion of Mr. Martin of Tuscaloosa, the bill—

S. B. 157. To provide for the support of the Freedman's Hospital, located near the city of Talladega, Alabama ;

Which was under consideration on the 14th instant, and cut off by the special order, was re-committed to a select committee consisting of Messrs. Cunningham, Robinson, Inzer, Golson and Curtis.

Mr. Hamilton, from the Judiciary Committee, reported favorably to the bill—

S. B. 102. To amend section 2136 of the Revised Code of Alabama ;

Which was read the third time, under a suspension of the constitutional rule, and passed. Yeas 14—nays 9.

Those who voted in the affirmative are—

Messrs. Carmichael, Cooper, Driesbach, Ervin, Farden, Hamilton, Harris of Lee, Inzer, Little, Martin of Tuscaloosa, Moore, Robinson, Snodgrass and Walton—14.

Those who voted in negative are—

Messrs. Black, Coleman, Edwards, Golson, Grayson, Green, Martin of Conecuh, Parks and Royal—9.

Mr. Ervin, from the Finance Committee, reported favorably with an amendment, to the bill—

S. B. 316. To authorize and empower the Auditor of this State to settle the account of G. W. Garmany, late tax collector of Etowah county, for the year 1872.

Amend by adding to section two the words “ Provided the said Garmany shall pay any and all costs which may have accrued in any suit or proceeding in connection with this matter.”

The amendment was adopted, the bill read the third time, under a suspension of the constitutional rule, and passed, and was ordered forthwith to the House.

Mr. Ervin, from the same committee, reported favorably to the bills—

S. B. 286. To authorize the renewal of certain bonds of Montgomery now past due.

S. B. 210. To provide for the payment of taxes and licenses assessed or payable for county purposes in the county of Talladega with certain claims against said county, and to repeal all laws in contravention therewith in so far as they relate to said county ,

Which were severally read the third time, under a suspension of the constitutional rule, and passed.

#### MESSAGE FROM THE GOVERNOR,

By his Private Secretary :

Mr. President :

I am instructed by the Governor to communicate to the Senate a message in writing with accompanying documents.

Respectfully,

L. R. DAVIS,

Private Secretary.

STATE OF ALABAMA,  
EXECUTIVE DEPARTMENT,

MONTGOMERY, Dec. 16th, 1874.

Gentlemen of the General Assembly of Alabama :

I have the honor to enclose herewith a letter from the Quarter-master General of the United States Army, in relation to the lands occupied as a national military cemetery at

Mobile, Alabama, and invite to its contents your early consideration.

I have the honor to be,

Yours, &c.,

GEO. S. HOUSTON,  
Governor.

The message and documents were referred to the Committee on Federal Relations.

Mr. Ervin, from same committee, reported favorably to the bill—

S. B. 244. For the relief of the Alabama Central Railroad Company.

Mr. Parks moved to amend by making the provisions of the bill applicable to the Montgomery & Eufaula Railroad Company.

Pending the consideration of the amendment,

On motion of Mr. Farden, the Senate adjourned till quarter past ten o'clock to-morrow.

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THURSDAY, December 17th, 1874.

The Senate met pursuant to adjournment.

Prayer by Rev. Dr. Petrie.

On a call of the roll, the following Senators answered :

Messrs. Carmichael, Coleman, Cooper, Cunningham, Curtis, Dereen, Driesbach, Edwards, Glass, Golson, Hamilton, Harris of Lee, Inzer, Leftwich, Little, Martin of Conecuh, Martin of Tuscaloosa, Moore, Parks, Robinson, Royal, Snodgrass and Walton—23.

Mr. Cooper, from the Committee on Temperance, to which was referred certain petitions and memorials, relating to the prohibition of the sale of liquors, reported a bill—

S. B. 322½. To prohibit the sale of spirituous, vinous or intoxicating liquors in certain localities therein named ;

Which was read the first and second times, under a suspension of the constitutional rule.

Mr. Martin of Tuscaloosa, moved to amend by adding after the word “ churches,” the words, “ and Society Hill, in Macon county.”

Adopted.

On motion of Mr. Cobb, the words, “ and within three miles of the crossing of the Selma, Rome & Dalton, and South & North Alabama Railroads, in Shelby county,” were inserted.

The rule was further suspended, the bill read a third time and passed, and ordered to the House.

Mr. Cooler, from same committee, reported a bill—

S. B. 321½. To prohibit the sale or giving away of any vinous, spirituous or other intoxicating drinks, within five miles of the towns of Lebanon, Collinsville, or Fort Payne, in the county of DeKalb ;

Which was read the first and second times, under a suspension of the constitutional rule.

Mr. Inzer moved to strike out “ Lebanon.”

On motion of Mr. Cooper, the bill and amendment were postponed and made the special order for 12 o'clock, the 16th day of January, 1875.

Bills were introduced :

By Mr. Carmichael—

S. B. 323. To remove the guardianship of the person and property of Christian Serder, (non compos mentis), from the probate court of Tuscaloosa county, to the probate court of Mobile county.

By Mr. Inzer—

S. B. 324. To authorize the transfer to the city court of Montgomery, of causes pending in the circuit court of Montgomery county, which the Judge of said circuit court is incompetent to try under section 635 of the Revised Code.

By Mr. Golson, with a petition—

S. B. 325. To prevent the sale or barter of spirituous or intoxicating liquors within one mile of the Methodist Episcopal church in Autaugaville, Autauga county, Alabama ;

Which were severally read the first, second and third times, under a suspension of the constitutional rule, and passed, and ordered to the House without being engrossed.

Bills were introduced:

By Mr. Carmichael—

S. B. 326. To regulate the feeding and custody of persons confined in jail for violation of the laws of this State.

By Mr. Inzer—

S. B. 327. For the relief of clerks of the circuit courts of this State.

Also,

S. B. 328. To authorize the auditor to draw his warrant on the treasurer in favor of Daniel W. Waite for one hundred and fifty dollars, for money expended and services rendered.

By Mr. Coleman—

S. B. 329. For the relief of Lavinia T. Chilton, principal of Montgomery Female College.

By Mr. Terrell—

S. B. 330. To amend section 114 of an act entitled an act to establish revenue laws for the State of Alabama, approved 31st December, 1868.

By Mr. Harris of Lee—

S. B. 331. To encourage stock raising in the State.

By Mr. Hamilton—

S. B. 332. For the relief of P. Phillips.

Also,

S. B. 333. For the relief of Goldthwaite, Rice & Semple, late partners ;

Which were severally read the first and second times, under a suspension of the constitutional rule, and referred to the Finance Committee.

By Mr. Farden—

S. B. 334. To provide for the payment of the debt of Montgomery County.

By Mr. Robinson—

S. B. 335. To organize a criminal court for the town of Bluffton, in the county of Chambers.

By Mr. Martin of Conecuh—

S. B. 336. To establish a board of revenue for Lowndes county, and to abolish the court of county commissioners for said county.

Also,

S. B. 337. To confer certain jurisdiction upon the probate court of Lowndes county ;

Which were severally read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Local Legislation.

#### MESSAGE FROM THE HOUSE,

By Mr. Whitman:

#### HOUSE OF REPRESENTATIVES, December 17, 1874.

Mr. President .

The House has passed the following Senate bills:

S. B. 264. Amendatory of an act to incorporate the town of Scottsboro in the county of Jackson, approved 20th January, 1870.

S. B. 204. To amend sections one and three of an act to extend the jurisdiction, powers and duties of harbor master and port wardens of Mobile, approved March 3, 1870.

S. B. 221 ½ To fix the time of holding the chancery court for the eleventh district of the northern chancery division of Alabama.

S. B. 221. To separate the county of Walker from the western chancery division and attach it to the northern chancery division of the State of Alabama.

S. B. 261. To prohibit the sale of vinous, spirituous or intoxicating liquors within five miles of Post Oak Spring church, in Calhoun county in this State.

S. B. 218 ½. To amend an act to incorporate the stockholders of the Wilcox Female Institute, approved 31st January, 1850.

S. B. 315. To authorize the judges of the Supreme Court to purchase certain acts of Alabama.

S. B. 317 ½. To direct the stamping of the State's obligations.

S. B. 188. To fix the time of holding the circuit courts in the fourth judicial circuit.

S. B. 174. For the relief of R. U. L. Watson of the county of Wilcox.

S. B. 121. To repeal section five (5) of an act to regulate sheriffs' and coroners' sales in the county of Shelby, approved January 17, 1856.

S. B. 36. To require the reporter of the decisions of the Supreme court of this State to furnish a synopsis of the points decided by said court.

S. B. 118. To prohibit the manufacture, sale, or other disposition of spirituous, vinous or malt liquous, or bitters, within two miles of Talladega Springs, located in the county of Talladega.

And has concurred in Senate amendment to House joint resolution—

Requiring certain duties of the clerks of the Judiciary Committees of the House and Senate.

The House has adopted a

Joint resolution, raising a joint committee to investigate and report on the stationery account of the State for the year ending October 1st, 1874.

The House has passed, with amendments as therein shown, the Senate bill—

S. B. 310. To regulate the terms of the circuit courts of the first judicial circuit.

And has also passed the Senate bill—

S. B. 21. To amend section one of an act to prohibit the sale of spirituous or vinous liquors within one mile of Camp Hill church, in Tallapoosa county.

ELLIS PHELAN,  
Clerk.

The Senate concurred in the House amendment to the Senate bill—

S. B. 310. To regulate the terms of the circuit courts of the first judicial circuit,

And the House was notified forthwith of said concurrence.

Mr. Snodgrass, from the Committee on Printing, reported the following resolution :

Resolved, That the secretary be authorized and instructed to have printed for the use of the Senate, public documents, specified as follows :

1,000 copies of report of deaf, dumb and blind asylum.

1,000 “ “ insane asylum.

1,000 “ “ inspectors of penitentiary, including pardons by the Governor and reasons therefor.

1,000 “ “ superintendent public instruction.

Mr. Farden moved to amend by printing 1,000 copies of report of commissioner of industrial resources.

Lost.

The resolution was adopted.

The House bill—

H. B. 149. To change the name of Baker county to Chilton ;

Was read the first and second times, under a suspension of the constitutional rule.

Mr. Robinson moved to substitute “ Clanton” for “Chilton.”

Lost.

Mr. Curtis moved to substitute “Moore.”

On motion of Mr. Cobb, the motion was tabled.

Mr. Farden moved to substitute “King.”

On motion of Mr. Cobb, the motion was tabled.

The rule was further suspended, the bill read the third time and passed—yeas 26, nays 2.

Those who voted in the affirmative are—

Messrs. Black, Carmichael, Cobb, Coleman, Cunningham, Dereen, Driesbach, Edwards, Ervin, Farden, Grayson, Green, Hamilton, Harris of Lee, Inzer, Leftwich, Little, Martin of Conecuh, Martin of Tuscaloosa, Moore, Parks, Robinson, Royal, Snodgrass, Terrell and Walton—26.

Those who voted in the negative are—

Messrs. Glass and Golson—2.

The bill was ordered to the House forthwith.

Mr. Terrell introduced—

S. R. 338. Joint resolution, to temporarily suspend the educational department of this State, and for other purposes therein named ;

Which was read the first and second times, under a suspension of the constitutional rule, and referred, to the Committee on Education.

By Mr. Terrell, a bill—

S. B. 339. To amend sub-division one of section 2005 of the Revised Code of Alabama ;

Which was read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Revision of Laws.

By Mr. Harris of Lee, a bill—

S. B. 340. To amend “an act to amend section 3101,3102, and 3104, of the Revised Code of Alabama, and to repeal the same,” approved April 19, 1873, and to amend section 3103 of the Revised Code ;

Which was read the first and second times, under a suspension of the constitutional rule, and referred to the Judiciary Committee.

By Mr. Golson, a bill—

S. B. 341. To repeal “an act to make the circuit court clerks, of Autauga county, ex-officio clerks of the county court,” approved March 8, 1871 ;

Which was read the first, second and third times, under a suspension of the constitutional rule, and passed.

By Mr. Martin of Conecuh—

S. B. 342. A memorial of citizens of Fort Deposit, Lowndes county, to be attached to Butler county ;

Which was referred to the Committee on Municipal and County Organizations.

By Mr. Parks—

S. B. 343. To incorporate the village of Henderson in Pike county ;

Which was read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Municipal and County Organizations.

Mr. Carmichael, from the Committee on Internal Improvements, reported favorably to the bill—

S. B. 257. To induce and encourage immigration to the State of Alabama, and to provide for the appointment of a Commissioner of Immigration and a Board of Commissioners and Directors.

On motion of Mr. Coleman, the bill was made the special order for the 15th of January, 1875, and 150 copies were ordered to be printed.

Mr. Cunningham, from the Special Committee, to which was referred the bill—



S. B. 157. To provide for the support of the Freedman's Hospital, located near the city of Talladega, Alabama.

Reported a substitute therefor, entitled a bill—

S. B. 157. To provide for the transfer of the inmates of the Freedmans' Hospital, located near the city of Talladega, to the respective counties from which they came ;

The substitute was adopted, read the third time, under a suspension of the constitutional rule, and passed, and ordered forthwith to the House.

Mr. Edwards offered the following resolution, which was adopted, and ordered forthwith to the House:

Resolved, by the Senate, the House of Representatives concurring, That the Joint Committee, to examine and investigate the affairs of the State Penitentiary and Farm, be authorized and empowered to send for persons and papers, if they may deem it necessary for the interests of the State.

Mr. Moore, from the Committee on Revision of Laws, reported favorably to the bill—

S. B. 271. To create the office of solicitor for each judicial circuit of the State.

The caption was amended by substituting the word "re-establish" for "create."

Mr. Cooper moved to strike out the words "for more than three years" in the first section ;

Lost.

Mr. Farden moved to exempt the second judicial circuit from the provisions of the bill.

On motion of Mr. Parks, the motion was tabled—yeas 22, nays 6.

Those who voted in the affirmative are—

Messrs. Carmichael, Cobb, Coleman, Cooper, Cunningham, Driesbach, Ervin, Grayson, Green, Hamilton, Harris of Lee, Inzer, Leftwich, Little, Martin of Conecuh, Martin of Tuscaloosa, Moore, Parks, Robinson, Snodgrass, Terrell and Walton—22.

Those who voted in the negative are—

Messrs. Black, Dereen, Farden, Glass, Golson and Royal—6.

The bill was ordered to a third reading, and made the special order for the 18th of January, 1875.

Mr. Moore, from the same committee, reported favorably to the bill—

S. B. 270. To define the duties of county solicitors ;

Which was ordered to a third reading, and made the special order for the 18th of January, 1875.

The House bill—

H. B. 23. To amend and enlarge section 720 of the Re-

vised Code, providing for the appointment and removal of registers in chancery, so that the Fame shall more fully conform to the provisions of article vi., section 15 of the Constitution of Alabama ;

Was read the second time.

Mr. Farden moved to refer it to the Committee on Revision of Laws.

On motion of Mr. Cobb, the motion was tabled.

Mr. Farden moved to refer it to the Judiciary Committee.

On motion of Mr. Cobb, the motion was tabled.

Mr. Farden moved to make it the special order for 19th of January, 1875.

On motion of Mr. Cobb, the motion was tabled.

Mr. Black moved the indefinite postponement of the bill.

On motion of Mr. Cobb, the motion was tabled.

The question recurring on a motion to suspend the constitutional rule, to give the bill a third reading forthwith, it was lost—yeas 19, nays 10.

Those who voted in the affirmative are —

Messrs. Carmichael, Cobb, Coleman, Cooper, Cunningham, Driesbach, Ervin, Grayson, Hamilton, Harris of Lee, Inzer, Little, Martin of Conecuh, Martin of Tuscaloosa, Moore, Parks, Robinson, Terrell and Walton—19.

Those who voted in the negative are—

Messrs. Black, Curtis, Dereen, Farden, Glass, Golson, Green, Jones, Leftwich, Royal—10.

The bill was ordered to a third reading, and made the special order for January 19, 1875.

Mr. Martin of Tuscaloosa, from the Committee on Local Legislation, reported favorably to the House bill—

H. B. 52. To authorize the assessments and collections of the tax upon the lands belonging to the estate of O. T. Prince, deceased, by the tax assessor and collector of the county of Tuscaloosa, and exempt the same from assessment and collection of tax in the county of Hale ;

Which was read the third time, under a suspension of the constitutional rule, passed, and ordered forthwith to the House.

#### MESSAGE FROM THE HOUSE

By Mr. Martin.

HOUSE OF REPRESENTATIVES,  
December 17, 1874.

Mr. President :

The House has passed Senate bills as follows—

S. B. 223. To repeal sections 2534, 2536, 2571 and 3323 of the Revised Code of Alabama,

And ordered the same forthwith to the Senate.

S. B. 113. For the relief of certain counties in the State.

The House has concurred in Senate joint resolution—

Authorizing the joint committee to examine and investigate the affairs of the State penitentiary and farm, to send for persons and papers.

The committee was further authorized to sit two days before the re-assembling, after recess.

The House has passed the following Senate bills :

S. R. 316. To authorize and empower the auditor of this State to settle the accounts of G. W. Garmany, late tax collector of Etowah county, for the year 1872.

S. B. 324. To authorize the transfer to the city court of Montgomery, of causes pending in the circuit court for Montgomery county, which the judge of said circuit court is incompetent to try, under section 635 of the Revised Code.

S. B. 286. To authorize the renewal of certain bonds of the city of Montgomery now past due.

S. B. 262. To amend section two of an act to amend an act to authorize the county of Montgomery to issue bonds, approved December 17, 1873.

S. B. 258. For the appointment of commissioners to liquidate and adjust all claims against the State of Alabama arising from bonds issued or endorsed in the name of the State,

And ordered the same to the Senate forthwith.

ELLIS PHELAN,  
Clerk.

Mr. Farden offered the following resolution :

Resolved by the Senate of Alabama, the House of Representatives concurring, That a committee of two from the Senate, and three from the House, who shall visit the Insane Hospital, also the institutions for the deaf, dumb and the blind asylum, and to report to the General Assembly, are hereby appointed by the President of the Senate and Speaker of the House respectively ; provided, said committee shall pay their own expenses and receive no compensation for their services.

On motion of Mr. Cobb, the resolution was laid on the table.

On motion of Mr. Coleman, the bill

S. B. 86. To repeal an act “ relating to the term of office of the several tax collectors in this State,” approved Decem-

ber 17, 1873, so far as the same relates to the counties of Lauderdale and Dallas,

Was taken from the table and the House amendment concurred in, and the House notified forthwith of said concurrence.

Mr. Cobb offered the following resolution, which was adopted:

Resolved, That the secretary of the Senate be instructed to take care, during the recess of the Senate, of all bills and resolutions deposited with him by the committees of the Senate.

Mr. Terrell, from the Committee on Temperance, returned the bill—

H. B. 168. To prohibit the sale of vinous or spirituous liquors within two miles of Pinckneyville Academy in Clay county, and Liberty Methodist church in Tallapoosa county.

The bill was read the third time, under a suspension of the constitutional rule, and passed, and ordered forthwith to the House.

Mr. Farden moved to adjourn till the 13th of January, 1875.

Lost.

Mr. Robinson, moved to take a recess till 4 o'clock this afternoon.

Lost.

Mr. Hamilton, from the Committee on the Judiciary, reported favorably to the House bill—

H.B.41. To remove the administration of the estate of John A. Goodson, deceased, from the county of Bibb to the county of Tuscaloosa ;

Which was read the third time, under a suspension of the constitutional rule, passed, and ordered forthwith to the House.

#### MESSAGE FROM THE HOUSE,

By Mr. Whitman :

Mr. President :

The House has passed the Senate bill—

S. B. 167. To provide for the transfer of the inmates of the Freedman's Hospital, located near the city of Talladega, to the respective counties from which they came.

ELLIS PHELAN,  
Clerk.

#### ENROLLED BILLS.

Mr. Harris of Lee, from the Committee on Enrolled Bills, reported the following as correctly enrolled :

S. B. 264. An act amendatory of an act entitled, an act to incorporate the town of Scottsboro in the county of Jackson, approved 20th January, 1870.

S. B. 109. An act to compel judges, clerks of the circuit court and registers in chancery, of this State, to keep direct and reversed indexes of all books and records required by law to be kept in their respective offices.

S. B. 157. An act to provide for the transfer of the inmates of the Freedman's Hospital, located near the city of Talladega, to the respective counties from which they came,

S. B. 316. An act to authorize and empower the auditor of this State to settle the accounts of George W. Garmany, late tax collector of Etowah county, for the year 1872.

S. B. 310. To regulate the terms of the courts of the first judicial circuit.

S. B. 74. An act for the relief of the city of Troy.

S. B. 241. An act to amend an act entitled, an act to amend an act to incorporate the city of Birmingham in Jefferson county, and an act amendatory thereof, approved March 15, 1873, and for other purposes.

S. B. 328. An act to authorize the transfer to city court of Montgomery of causes pending in the circuit court for Montgomery, which the judge of said circuit court is incompetent to try under section 635 of the Revised Code.

S. B. 223. An act to repeal sections 2534, 2536, 2571 and 3323 of the Revised Code of Alabama.

Joint resolution—

S. R. 319. Authorizing the auditor to draw his warrant on the treasurer to pay expenses of joint committee to visit State penitentiary and State farm.

S. B. 188. To fix the time of holding the circuit courts in the fourth judicial circuit.

#### MESSAGE FROM THE GOVERNOR,

By his Private Secretary.

STATE OF ALABAMA,  
EXECUTIVE DEPARTMENT,  
Montgomery, Dec. 17, 1874.

Mr. President :

I am directed by the Governor to inform the Senate that he has this day approved the following bill which originated in the Senate :

S. B. 188. An act

To fix the time of holding the circuit courts in the fourth judicial circuit.

Also, the following joint resolution—

S. B. 319. Joint resolution

Authorizing the auditor to draw his warrant on the treasurer to pay expenses of joint committee to visit State penitentiary and State farm.

Very Respectfully,

L. R. DAVIS,

Private Secretary.

The House bill—

H. B. 316. To repeal an act entitled “an act to amend an act for the relief of solicitors of the counties of Macon, Monroe and Baldwin, so far as the same relates to the county of Conecuh ;

Was read the first, second and third times, under a suspension of this constitutional rule, passed and ordered forthwith to the House.

The Senate concurred in the House amendment to the Senate joint resolution—

Authorizing the joint committee to examine and investigate the affairs of the State penitentiary and farm, and send for persons and papers ;

And the House was notified forthwith of the concurrence.

Mr. Martin of Tuscaloosa, by leave, called up the House Joint resolution, in regard to the appointment of a joint committee to investigate into the matter of the Insane Hospital.

Mr. Farden moved to amend by adding the following words:

“ Provided, that there shall be no expense attached to the State in this investigation.”

The amendment was adopted, and the resolution as amended, was adopted, and ordered forthwith to the House.

Mr. Terrell moved to take a recess till 3 o'clock.

Lost.

#### MESSAGE FROM THE GOVERNOR,

By his Private Secretary :

STATE OF ALABAMA,

EXECUTIVE DEPARTMENT,

MONTGOMERY, Dec. 17th, 1874.

Mr. President :

I am directed by the Governor to inform the Senate that

he has approved the following bill, which originated in the Senate :

S. B. 103. An act for the appointment of commissioners to liquidate and adjust all claims against the State of Alabama, arising from bonds issued or endorsed in the name of the State.

Respectfully,  
L. R. DAVIS,  
Private Secretary.

Mr. Walton, from the Committee on Finance, reported favorably to the bill—

S. B. 1(16. To repeal an act entitled "an act to regulate the fees of constables in the counties of Marengo and Dallas," so far as relates to the county of Dallas ;

Which was read the third time, under a suspension of the constitutional rule, and passed, and ordered to the House forthwith.

#### MESSAGE FROM THE GOVERNOR.

STATE OF ALABAMA,  
EXECUTIVE DEPARTMENT,  
MONTGOMERY, Dec. 17th, 1874.

Mr. President:

I am directed by the Governor to communicate to the Senate a message in writing.

Very respectfully,  
L. R. DAVIS,  
Private Secretary.

On motion of Mr. Hamilton the Senate went into executive session.

The message of the Governor was read;

STATE OF ALABAMA.  
EXECUTIVE DEPARTMENT,  
MONTGOMERY, Dec. 17th, 1874,

Gentleman of the Senate:

Under the act entitled an act for the appointment of commissioners to liquidate and adjust all claims against the State of Alabama arising from bonds issued or endorsed in the name of the State, and approved December 17th. 1874, I have

the honor to nominate Hon. Thomas B. Bethea, of Montgomery, Ala., and Gen. Levi W. Lawler, of Talladega, Ala.

I have the honor to be.

Yours, &c.,

GEO. S. HOUSTON,  
Governor of Alabama.

Mr. Farden moved that the nomination of Hon. T. B. Bethea, as one of the commissioners appointed under the act of the present General Assembly, entitled—

"An act for the appointment of commissioners to liquidate and adjust all claims against the State of Alabama, arising from bonds issued or endorsed in the name of the State," approved December 17th, 1874;

Be now confirmed.

The motion prevailed.

Those who voted for Mr. Bethea are—

Messrs. Black, Carmichael, Cobb, Coleman, Cooper, Cunningham, Curtis, Dereen, Driesbach, Edwards, Ervin, Farden, Glass, Grayson, Hamilton, Harris of Lee, Little, Martin of Conecuh, Martin of Tuscaloosa, Moore, Parks, Royal, Snodgrass, Terrell and Walton—25.

Mr. Hamilton moved that the nomination of Hon. Levi W. Lawler, as the other commissioner, under the same act, be confirmed.

The motion prevailed.

Those who voted for Mr. Lawler are—

Messrs. Black, Carmichael, Cobb, Coleman, Cooper, Cunningham, Curtis Dereen, Driesbach, Edwards, Ervin, Farden, Glass, Grayson, Hamilton, Harris of Lee, Martin of Conecuh, Martin of Tuscaloosa, Moore, Parks, Royal, Snodgrass, Terrell and Walton —25.

On motion of Mr. Robinson, the Senate took a recess till seven o'clock p. m.

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#### NIGHT SESSION.

The Senate met pursuant to adjournment.

#### MESSAGE FROM THE HOUSE.

Mr. President :

The House has concurred in the Senate amendment to the House bill —



H. B. 126. To make it lawful for the sheriff of Marion and other counties therein named, to execute all processes issued by justices of the peace and notaries public, and receive the usual fees for the same.

And has concurred in Senate amendment to House joint resolution—

In regard to the appointment of a joint committee to investigate into the matter of the Insane Asylum.

ELLIS PHELAN,  
Clerk.

#### MESSAGE FROM THE GOVERNOR,

By his Private Secretary:

STATE OF ALABAMA,  
EXECUTIVE DEPARTMENT,  
MONTGOMERY, ALA., Dec. 17th, 1874.

Mr. President:

I am instructed by the Governor to inform the Senate that he has this day approved the following bills which originated in the Senate;

S. B. 74, An act for the relief to the city of Troy.

S. B. 174. An act for the relief of R. U. L, Watson of the county of Wilcox,

S. B. 122. An act to prohibit the sale or giving away of vinous or malt liquors in beat seven of the county of Choctaw.

S. B. 259. An act for the relief of Mrs. Clara T. Irwin, administrator of T. J. Irwin, deceased, and F. R. Freeman, administrator of the estate of Andrew B. Irwin, deceased.

S. B. 121. An act to repeal section five (5) of an act entitled "an act, to regulate sheriff's and coroner's sales in the county of Shelby," approved January 17th, 1856.

S. B. 36. An act to require the reporter of the decisions of the supreme court of this State to furnish a synopsis of the points decided by said court.

S. B. 118. An act to prohibit the manufacture, sale or other dispositions of spirituous, vinous or malt liquors, or bitters, within two miles of Talladega Springs, located in the county of Talladega.

S. B. 310. An act to regulate the terms of the courts of the first judicial circuit.

S. B. 317½. An act to direct the stamping of the State's obligations.

S. B. 241. An act to amend an act to incorporate the city

of Birmingham, in Jefferson county, and an act amendatory thereof, approved March 15, 1873, and for other purposes.

S. B. 86. An act to repeal an act relating to the term of office of the several tax collectors in this State, approved December 17, 1873, so far as the same relates to the county of Lauderdale.

S. B. 316. An act to authorize and empower the Auditor of the State to settle the accounts of George W. Garmany, late tax collector of Etowah county, for thus year 1872.

S. B. 264. An act amendatory of an act entitled an act to incorporate the town of Scottsboro, in the county of Jackson, approved January 20, 1870.

S. B. 223. An act to repeal section 2534, 2536, 2571, 3322, of the Revised Code of Alabama.

S. B. 157. An act to provide for the transfer of the inmates of the Freedman's Hospital, located near the city of Talladega, to the respective counties from which they came.

S. B. 324. An act to authorize the transfer to the city Court of Montgomery of causes pending in the circuit court for Montgomery county, which the judge of said circuit court is incompetent to try under section 635 of the Revised Code,

S. B. 109. An act to compel probate judges, clerks of the circuit court and registers in chancery, in this state, to keep direct and reverse indexes of all books and records required by law in their respective offices.

Very respectfully,

L. R. DAVIS,

Private Secretary.

On motion of Mr. Farden, the Senate adjourned till the 13th of January, 1875,—yeas 10, nays 7.

Those who voted in the affirmative are—

Messrs. Coleman, Edwards, Farden, Grayson, Harris of Lee, Martin of Conecuh, Moore, Robinson, Royal and Snodgrass—10.

Those who voted in the negative are—

Messrs. Black, Cooper, Curtis, Driesbach, Martin of Tuscaloosa, Parks and Walton—7.

WEDNESDAY, January 13, 1876.

The Senate met pursuant to adjournment.

Present: Messrs. Black, Cobb, Coleman, Cooper, Cunningham, Dereen, Driesbach, Edwards, Farden, Golson, Grayson, Green, Hamilton, Harris of Lee, Harris of Russell, Inzer, Jones, Martin of Conecuh, Martin of Tuscaloosa, Moore, Parks, Robinson, Snodgrass and Wilton —24.

The journal of December 17th, 1874, was read and approved.

Indefinite leave of absence was granted Mr. Carmichael, on account of sickness,

Mr. Hamilton offered the following resolution, which lies over one day.

Resolved, That on and after the third Monday of each session of the Senate, Mondays and Thursdays shall be devoted to the call of the districts ; and what remains of each of those days, shall be devoted to reports of the standing committees ; then to bills upon their third reading, in the order of their introduction.

Tuesdays and Fridays of each week, shall be devoted to the consideration of messages from the House of Representatives ; and what remains of each of those days shall be devoted to reports of committees, giving the preferences therein to reports from special or select committees, and then to bills on their second and third reading, in the order to their introduction.

Wednesdays shall be devoted to reports of committees, giving preference to the standing committees, and what remains of that day shall be devoted to miscellaneous business and then to bills on their second and third reading, in the order of their introduction.

Saturdays shall be devoted to miscellaneous business, and if there be none, or if it be concluded, then to be devoted to reports of committees ; and then to bills on their second and third reading,

At all times, when reports of committees are in order. the committees shall be billed, beginning with that committee which had the floor when reports from committees were last in order. In the consideration of bills, those on their third reading shall have preference.

MESSAGE FROM THE GOVERNOR,

By his Private Secretary:

STATE OF ALABAMA,  
EXECUTIVE DEPARTMENT,  
MONTGOMERY, ALA., Jan. 13, 1875.

Mr. President :

I am directed by the Governor to inform the Senate that he has approved the following bill, which originated in and passed the Senate.

An act—

S. B. 204. To amend sections one and three of an act to extend the jurisdiction, power and duties of the harbor master and port wardens of Mobile, approved March 3, 1870.

Very respectfully,

L. R. DAVIS,

Private Secretary.

Mr. Hamilton offered a joint resolution—

S. R. 348½. In relation to numbering and keeping a correct docket of all bills and joint resolutions which may be offered in each House of the General Assembly,

Which was read and referred to the Judiciary Committee.

CALL OF THE DISTRICTS.

Bills were introduced :

By Mr. Cobb—

S. B. 344. To amend the third Section of an act to amend the charter of the Shelby County Iron Manufacturing Company.

Which was read the first and second times, under a suspension of the constitutional rule, and referred to the committee on corporations.

By Mr. Robinson—

S. B. 345. To amend sections 2961, 2962 and 2983 of the Revised Code ;

Which was read the first and second times, under a suspension of the constitutional rule, and referred to the Judiciary Committee.

By Mr. Harris of Lee—

S. B. 346. To restrict the counties to a certain rate of taxation, and to repeal all conflicting acts ;

Which was read the first and second times, under a suspension of the constitutional rule, and referred to the committee on Finance.

By Mr. Dereen—

S. B. 347. To amend “an act defining section 113 of the revenue laws of Alabama,” approved December 1, 1869 ;

Which was read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Revision of the Laws.

By Mr. Hamilton—

S.B. 348. To amend a portion of section one of an act approved August 11, 1868, entitled “an act to amend an act to incorporate the Mobile Mutual Insurance Company,” approved February 6, 1866, so as to enable said Mobile Mutual Insurance Company to reduce its capital stock to \$175,000 ;

Which was read the first, second and third times, under a suspension of the constitutional rule, and passed.

By Mr. Martin of Conecuh—

S. B. 349. For the relief of Thomas C. Crenshaw ;

Which was read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Privileges and Elections.

#### ENROLLED BILLS.

Mr. Harris of Lee, from the Committee on Enrolled Bills, reported the following correctly enrolled :

S. B. 262. An act to amend section two of an act to amend an act to authorize the county of Montgomery to issue bonds, approved December 17, 1873.

S.B. 286. An act to authorize the renewal of certain bonds of the city of Montgomery now past due.

S. B. 345. Joint Resolution to authorize the judges of the supreme court to purchase certain acts of Alabama.

S. B. 152. An act to repeal an act entitled, an act to establish a criminal court for the county of Bullock, with criminal and civil jurisdiction.

S. B. 264. An act to amend sections one and three of an act to extend the jurisdiction, powers and duties of the harbor master and port wardens of Mobile, approved March 3, 1870.

S. B. 113. An act for the relief of certain counties of the State.

S. B. 218½. An act to amend an act entitled “an act to incorporate the stockholders of the Wilcox Female Institute,” approved 31st of January, 1850.

S. B. 22½. An act to fix the time of holding the chancery court in the eleventh district of the northern chancery division of the State of Alabama, composed of the county of Walker.

On motion of Mr. Martin of Tuscaloosa, the Senate adjourned till quarter past 10 o'clock to-morrow morning.

THURSDAY, January 14th, 1875.

The Senate met pursuant to adjournment.

Prayer by Rev. Joseph Nelson.

Present :

Messrs. Cobb, Coleman, Cunningham, Curtis, Dereen, Driesbach, Edwards, Glass, Golson, Grayson, Green, Hamilton, Haralson, Harris of Lee, Harris of Russell, Jones, Martin of Conecuh, Martin of Tuscaloosa, Moore, Parks, Robinson, Royal, Snodgrass, Terrell and Walton—25.

The journal of yesterday was read and approved.

Indefinite leave of absence was granted to Messrs. Little and Ervin on account of sickness.

Mr. Harris of Russell, offered the following resolution, which was adopted :

Resolved, That the door-keeper be instructed to have an additional number of clothes hooks placed in the Senate Chamber, and that each Senator have one assigned to him for his own use.

#### CALL OF THE DISTRICTS.

Bills were introduced.

By Mr. Moore—

S. B. 350. To authorize the commissioners' court of Franklin county to lay off said county into four commissioners' districts ;

Which was read the first, second and third times, under a suspension of the constitutional rule, and passed.

By Mr. Martin of Tuscaloosa—

A memorial of John W. White ;

Which was read and referred to the Committee on Finance with instructions to report by bill or otherwise.

By Mr. Curtis—

S. B. 351. To amend section 2781 of the Revised Code.

Also,

S. B. 352. To amend section 1831 of the Revised Code ;

Which were severally read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on the Judiciary.

Also,

S. B. 253. To authorize the court of county commissioners of Perry county, to warm the jail rooms of the jail of said county ;

Which were read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on the Penitentiary.

## MESSAGE FROM THE HOUSE

By Mr. Whitman :

Mr. President :

The House has amended as therein shown, and passed Senate bill—

S. B. 37. To authorize the Mayor and Aldermen of the city of Tuscaloosa to issue bonds of said city in compromise of a certain chancery suit, to which said city is a party, in the chancery court for the 6th District of the Western Chancery Division of Alabama.

And has passed, without amendment, Senate bill—

S. B. 277. To regulate the trial of causes in the courts of chancery in this State.

And has originated the passed the following bills :

H. B. 260. To require the judges of the supreme court of the State of Alabama, to examine and pass upon the evidence or appeals in chancery cases before them without regard to the opinion of the court below on the facts in the case.

H. B. 143. To amend section 3335 of the Revised Code of Alabama.

H. B. 39. To authorize incorporated companies organized under the general corporation laws of the State of Alabama, to amend their articles of incorporation.

H. B. 258. To amend section 3507 of the Revised Code of Alabama.

ELLIS PHELAN,  
Clerk.

By Mr. Dereen, with a petition—

S. B. 354. For the relief of John McClelland, of Marengo county ;

Which was read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Local Legislation.

On motion of Mr. Hamilton, the resolution in relation to the order of business, offered on yesterday, was referred to the Judiciary Committee.

## REPORTS FROM STANDING COMMITTEES.

Mr. Hamilton, from the Judiciary Committee reported favorably to the bills—

S. B. 234. To declare the manner in which notice of the levy of an attachment, mentioned in the “ act to regulate the

trials of attachment cases," approved December 17th, 1873, shall be given.

S. B. 281. To enforce penalties imposed on corporations ; Which were severally read the third time, under a suspension of the constitutional rule, and passed.

Mr. Hamilton, from same committee, reported a substitute for the bill—

S. B. 79. To provide for a change of venue in certain cases.

The substitute was adopted, the constitutional rule was suspended, the bill read the third time, and passed.

Mr. Hamilton, from same committee, reported favorably, with an amendment, to the bill—

S. B. 146. To prevent solicitors from commencing prosecutions by affidavits made by themselves.

Amend by adding to the first section, the words. " or the affidavit be upon his personal knowledge of the commission of the offense charged."

The amendment was adopted.

Mr. Robinson moved to amend by adding at the end of the first section, the words, "except for violations of the Revenue laws of the State."

The amendment was adopted—yeas 26.

Those who voted in the affirmative are—

Messrs. Black, Cobb, Coleman, Cooper, Cunningham, Curtis, Driesbach, Edwards, Glass, Golson, Grayson, Green, Hamilton Haralson, Harris of Lee, Harris of Russell, Inzer, Jones, Martin of Conecuh, Martin of Tuscaloosa, Moore, Parks, Robinson, Royal, Snodgrass and Terrell— 26.

The bill was read the third time, under a suspension of the constitutional rule, and passed.

#### SPECIAL ORDERS.

On motion of Mr. Martin of Tuscaloosa, the consideration of the bill—

S. B. 229. To execute the power of disposal of the lands granted by an act of Congress, entitled "an act granting public lands in alternate sections to the State of Alabama, to aid in the construction of certain railroads in said State," approved June 3rd, 1856, which power of disposal is conferred upon the Legislature of Alabama by said act of Congress;

Was postponed, and made the special order for 12 o'clock m., to-morrow.

On motion of Mr. Cooper, the consideration of the bill—

S. B. 158. To declare the terms on which foreign corpo-



rations organized for mining and manufacturing purposes, may carry on their business, and purchase, hold, and convey real and personal property in this State,

Was postponed till 12 o'clock m., on Tuesday, the 19th day of January, and made the special order for that hour.

On motion of Mr. Farden, the consideration of the bill—

S. B. 212. To make certain warrants and certificates receivable in payment of the county taxes of Montgomery county ;

Was made the special order for to-morrow, one o'clock,

On motion of Mr. Cobb, the House bill—

H. B. 283. To require the Auditor to draw his warrant on the State Treasure in favor of the County Treasure of Escambia county, for one thousand and fifty dollars,

Was laid on the table.

Mr. Hamilton, from the Judiciary Committee, reported a substitute for the bill—

S. B. 280. To provide for the transfer of trust estates in this State to other States.

The substitute was adopted, the constitutional rule suspended, the bill read the third time and passed.

Mr. Hamilton, from same committee, reported favorably to the bill—

S B. 172. To preserve elections from political interferences by preventing any chancellor, chancery court, or other of officers having chancery powers, from exercising jurisdiction over any matter appertaining to any election in this State.

Mr. Coleman moved to make the bill the special order for Tuesday, January 19th, at 12 o'clock m.

Lost.

Mr. Martin of Conecuh, offered the following amendment :

“ Provided, That in cases now pending in any court of chancery in this State, as to claims for office under popular election, this act shall have no influence, but they shall be heard and decided the same in all respects, as if this act had not passed.”

On motion of Mr. Terrell, the amendment was laid on the table. Yeas 14—nays 13.

Those who voted in the affirmative are—

Messrs. Cobb, Cooper, Cunningham, Driesbach, Grayson, Harris of Lee, Inzer, Jones, Martin of Tuscaloosa, Parks, Robinson, Snodgrass, Terrell and Walton—14.

Those who voted in the negative are—

Messrs. Black, Coleman, Dereen, Edwards, Farden, Glass,

Golson, Green, Hamilton, Haralson, Harris of Russell, Martin of Conecuh, and Moore—13.

The constitutional rule was suspended, and the bill read the third time.

Mr. Coleman moved to postpone, and make the bill the special order for 12 o'clock m., to-morrow.

On motion of Mr. Inzer, the motion was laid on the table.

The bill passed.

Mr. Hamilton, from same committee, reported favorably, with an amendment, to the bill—

S. B. 45. To repeal sections 1858, 1859 and 1860 of the Revised Code.

Amend by adding the words, " Provided this act shall have no effect upon transactions that have heretofore been had under the said sections," at the end of the first section.

The amendment was adopted.

On motion of Mr. Parks, the bill was made the special order for Monday, 18th of January, at 12 o'clock m.

On motion of Mr. Farden, the Senate adjourned till quarter past ten o'clock to-morrow morning.

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FRIDAY, January 16, 1875.

The Senate met pursuant to adjournment.

Prayer by Rev. Joseph Nelson.

Present: Messrs. Cobb, Coleman, Cooper, Cunningham, Curtis, Dereen, Driesbach, Edwards, Glass, Green, Hamilton, Haralson, Harris of Lee, Harris of Russell, Inzer, Jones, Little, Martin of Conecuh, Martin of Tuscaloosa, Moore, Parks, Robinson, Royal, Snodgrass and Walton—25.

The journal of yesterday was read and approved,

Mr. Harris of Lee, from the Committee on Enrolled Bills, reported the following as correctly enrolled :

S. B. 277. An act to regulate the trial of causes in the courts of chancery of this State.

Mr. Hamilton offered the following resolution :

Resolved, That a committee of three senators be appointed to report such action as this Senate should take in view of the death of Hon. R. H. Ervin, late senator from Wilcox; and that the Senate do now adjourn.

The resolution was unanimously adopted by a standing vote, and Messrs. Hamilton, Cobb and Cooper appointed said committee.

The Senate adjourned till quarter past 10 o'clock to-morrow morning.

SATURDAY, January 16, 1875.

The Senate met pursuant to adjournment.

Present: Messrs. Carmichael, Cobb, Coloman, Cunningham, Curtis, Driesbach, Edwards, Glass, Grayson, Hamilton, Harris of Russell, Inzer, Jones, Leftwich, Little, Martin of Conecuh, Martin of Tuscaloosa, Moore, Parks, Robinson, Royal, Snodgrass, Terrell and Walton—24.

The journal of yesterday was read and approved.

Indefinite leave of absence was granted Mr. Harris of Lee, on account of sickness.

#### ENROLLED BILL.

Mr. Grayson, from the Committee on Enrolled Bills, reported the following correctly enrolled :

S. B. 21. An act to amend section one of an act to prohibit the sale, of spirituous or vinous liquors within one mile of Camp Hill church in Tallapoosa county.

Mr. Cobb, from the select committee appointed to report on the death of Hon. R. H. Ervin, submitted the following :  
To the Hon. President and Senate of Alabama :

The committee to whom it was referred to report such action as the Senate should take in view of the death of Hon. R. H. Ervin, late Senator from Wilcox, respectfully report the accompanying preamble and resolutions, and recommend their adoption by the Senate.

P. HAMILTON,  
R. W. COBB, }- Committee.  
T. B. COOPER,

January 16, 1875.

The Senate of Alabama has learned with great pain of the death of its honored member, the Senator from Wilcox. The members of this Senator receive this sad information with the deepest sensibility, for Senator Ervin, while in life, was one of their most esteemed and most valued associates. He was loved for his amiable character ; he was respected for his integrity of purpose ; he was honored for the wisdom of his Counsel. In all the qualities which make the good man, the patriotic citizen, and the prudent and sagacious statesman, Senator Ervin had no superior among his associates.

In the opinion of the Senate of Alabama, “ the insatiate archer” could have singled out no noble mark within the limits of the State. His death is a public loss—it is a sore and grievous calamity to the State. Alabama can but ill

afford to be deprived of the counsels of such a son. She mourns that loss, and this Senate but utters her voice when it thus speaks in this chamber, where his form so lately appeared, and where his voice was so lately heard in deliberations upon her laws and her public policy.

At the time of his death Senator Ervin was the presiding officer of this Senate, in the absence of its constitutional President, called to that position by the voice of the Senators.

Why this blow should fall upon the Senate and the State at this time, when his good sense and prudent and sound judgment are so much needed, is beyond the reach of human wisdom. A Being wiser than the wisdom of man has so ordered. Our loss is, we trust, the great gain of our friend. We accept this decree with humble, but wondering submission ; it may be for our chastening; it certainly contains its lesson of instruction.

Be it resolved, as a feeble mark of our sense of the loss which the Senate and the State has sustained in the death of Senator Ervin, that the desks of the President and Secretary be draped in mourning during the remainder of this session, and that the Senators and officers of the Senate shall wear crape upon their left arm for the space of thirty days.

That, as a mark of our respect for the memory of our deceased associate, who died while President pro tem. of the Senate, the Lieut. Governor be requested to procure and have inserted in the wall of the Senate chamber, by the side of the President's chair, a slab of white marble edged with black, on which shall be inscribed the words,

IN MEMORY OF  
R. H. ERVIN,  
Senator from Wilcox,  
Who died January 11, 1875.

That, in token of our sympathy with the family of Senator Ervin in their great loss, a copy of this utterance of the Senate, certified by the Secretary, be forwarded to his widow by the President of the Senate.

The report was concurred in, and the resolutions adopted unanimously by a rising vote.

The Senate adjourned till Monday morning quarter past 10 o'clock.

MONDAY, January 18th, 1875.

The Senate met pursuant to adjournment.

Prayer by Rev. Dr. Stringfellow.

Present : Messrs. Black, Carmichael, Cobb, Coleman, Cooper, Cunningham, Curtis, Dereen, Driesbach, Edwards, Glass, Golson, Grayson, Green, Hamilton, Harris of Russell, Inzer, Jones, Leftwich, Little, Martin of Conecuh, Martin of Tuscaloosa, Moore, Parks, Robinson, Royal, Snodgrass, Terrell and Walton — 29.

The journal of Saturday was read and approved.

Leave of absence was granted Mr. Haralson for three days.

Mr. Terrell, by leave, offered a preamble and resolution authorizing the appointment of a committee of five to report on Louisiana affairs.

Mr. Cobb offered a substitute, making the committee consist of two on the part of the Senate and three on the part of the House of Representatives.

Mr. Coleman offered a substitute for the substitute.

Mr. Robinson moved to refer the whole matter to the Committee on Federal Relations, with instructions to report on Thursday.

Mr. Black moved to lay the whole matter on the table.

Lost. Yeas 10, nays 19.

Those who voted in the affirmative are —

Messrs. Black, Curtis, Dereen, Farden, Golson, Green, Harris of Russell, Jones, Leftwich and Royal—10.

Those who voted in the negative are —

Messrs. Carmichael, Cobb, Coleman, Cooper, Cunningham, Driesbach, Edwards, Grayson, Hamilton, Inzer, Little, Martin of Conecuh, Martin of Tuscaloosa, Moore, Parks, Robinson, Snodgrass, Terrell and Walton — 19.

The motion to refer to the Committee on Federal Relations, with instructions, prevailed.

#### MESSAGE FROM THE GOVERNOR

By his Private Secretary.

EXECUTIVE DEPARTMENT,  
STATE OF ALABAMA,  
MONTGOMERY, January 15, 1875.

Mr. President :

I am directed by the Governor to inform the Senate that he has this day approved the following bills, which originated in the Senate :

S. B. 221. An act to separate the county of Walker from the Western Chancery Division and attach it to the Northern Chancery Division of the State of Alabama.

S. B. 221½. An act to fix the term of holding the chancery court in the eleventh district of the Northern Chancery Division of the State of Alabama, composed of the county of Walker.

S. B. 286. An act to authorize the renewal of certain bonds of the city of Montgomery, now past due.

S. B. 218½. An act to amend an act entitled "an act to incorporate the stockholders of the Wilcox Female Institute, approved 31st January, 1850.

S. B. 113. An act for the relief of certain counties in the State.

S. B. 262. An act to amend section 2 of an act to amend "an act to authorize the county of Montgomery to issue bonds," approved December 17, 1873.

S. B. 277. An act to regulate the trial of causes in the courts of chancery of this State.

S. B. 152. An act to repeal an act entitled "an act to establish a criminal court for the county of Bullock, with criminal court jurisdiction,"

Very respectfully,

L. R. DAVIS,  
Private Secretary.

#### MESSAGE FROM THE HOUSE,

By the Clerk.

Mr. President :

The House has passed the Senate bill—

S. B. 187. To provide for the election of a town marshal in the town of Athens, Limestone county.

And has originated and passed the following bill:

H. B. 70. To amend the act to prescribe the time of holding the circuit courts in the tenth judicial circuit, approved March 14, 1872.

And has adopted the following joint resolution ;

J. R. Resolved, by the House of Representatives, the Senate concurring, That three hundred copies of the proceedings in the House and Senate, including as far as may be necessary, the remarks of members in reference to the death of Senator Ervin, be printed for the use of the members of the House and Senate, and a copy be sent to the family of the deceased.

The House has originated and passed the following bill:

H. B. 333. To amend the act to authorize the mayor and

aldermen of the city of Huntsville to issue bonds of said corporation, approved December 2, 1874.

ELLIS PHELAN,  
Clerk.

MESSAGE FROM THE GOVERNOR,

By his Private Secretary :

STATE OF ALABAMA,  
EXECUTIVE DEPARTMENT,  
MONTGOMERY, Jan. 11th, 1875.

Mr. President :

I am directed by the Governor to inform the Senate that he has approved the following bill, which originated in and passed the Senate.

S. B. 21. An act to amend section one of an act entitled "an act to prohibit the sale of spirituous or vinous liquors within one mile of Camp Hill Church in Tallapoosa county.

Also, the following joint resolution :

S. B. 315. Joint resolution, to authorize the judges of the supreme court to purchase certain acts of Alabama.

Very respectfully,

L. R. DAVIS,  
Private Secretary.

ENROLLED BILLS.

Mr. Dereen, from the Committee on Enrolled Bills, reported the following correctly enrolled :

S. B. 187. An act to provide for the election of a town marshal in the town of Athens, Limestone county.

The hour of twelve o'clock having arrived, the special orders were temporarily suspended, to allow certain members the privilege of calling up and introducing certain bills.

The House bill—

H. B. 333. To amend "an act to authorize the mayor and aldermen of the city of Huntsville to issue bonds of said corporation," approved December 2, 1874 ;

Which was read the first, second and third times, under a suspension of the constitutional rule, and passed.

Mr. Coleman introduced a bill—

S. B. 355. To authorize the payment by the tax collector of Lauderdale of the appropriation made for the normal school at Florence, Alabama ;

Which was read the first and second times, under a suspen-

sion of the constitutional rule, and referred to the Judiciary Committee.

Mr. Coleman moved to reconsider the vote referring the bill ;

Lost.

Mr. Moore introduced a bill—

S. B. 356. For the relief of Nellie Croney of Colbert county ,

Which was read the first, second and third times, under a suspension of the constitutional rule, and passed.

The special order, first on the calendar, was taken up, which was the bill—

S. B. 257. To induce and encourage immigration to the State of Alabama, and to provide for the appointment of a commissioner of immigration, and a board of commissioners and directors.

On motion of Mr. Carmichael, the remainder of section six, after the word “Directors” in the eighth line, was struck out.

On motion of Mr. Carmichael, the words “alien or foreign” were inserted before the word “immigrants” in the first line of the third section.

On motion of Mr. Parks, the third section was stricken out—yeas 18, nays 13.

Those who voted in the affirmative are—

Messrs. Black, Cobb, Curtis, Edwards, Farden, Green, Harris of Russell, Inzer, Jones, Leftwich, Little, Martin of Conecuh, Martin of Tuscaloosa, Moore, Parks, Robinson, Royal and Snodgrass—18.

Those who voted in the negative are—

Messrs. Carmichael, Coleman, Cooper, Cunningham, De-reen, Driesbach, Glass, Golson, Grayson, Hamilton, Terrell and Walton— 12.

Mr. Farden moved to refer to the Judiciary Committee.

On motion of Mr. Coleman. the motion was tabled.

Mr. Black moved the indefinite postponement of the bill.

On motion of Mr. Little, the motion was tabled.

On motion of Mr. Farden, the following section was added to the bill :

Section 7. Be if further enacted, That the said commissioner of immigration, shall make an annual report of all matters on the subject of immigration, and the operations of said commissioner and board of directors during each year, to the Governor, and the Governor shall communicate such report to the General Assembly at its annual meeting thereafter.



On motion of Mr. Dereen, the following was added to the last section :

“ Provided, That nothing herein contained shall be construed or held to make the State of Alabama liable or responsible for any expenses incurred by said commissioner of immigration, or board of directors, in carrying out the provisions of this act.”

Mr. Farden offered the following amendment :

Insert after the word “Alabama,” in the third line of section one, the words “who shall hold their offices for the term of four years.”

On motion of Mr. Cooper, the amendment was tabled.

Mr. Farden moved the addition of the following section :

Section 8. Be it further enacted, That the Governor shall have the right to remove the commissioner of immigration, or any member of the board of directors, upon proof that either of them have violated any law of Alabama.

On motion of Mr. Cobb, the amendment was tabled.

Mr. Black moved to adjourn ;

Lost.

Mr. Cooper moved to suspend the constitutional rule to give the bill a third reading forthwith ;

Lost—yeas 22, nays 7.

Those who voted in the affirmative are—

Messrs. Carmichael, Cobb, Coleman, Cooper, Cunningham, Driesbach, Edwards, Golson, Grayson, Hamilton, Harris of Russell, Inzer, Leftwich, Little, Martin of Conecuh, Martin of Tuscaloosa, Moore, Parks, Royal, Snodgrass, Terrell and Walton—22.

Those who voted in the negative are—

Messrs. Black, Curtis, Dereen, Farden, Glass, Green and Jones—7.

The bill was ordered to a third reading.

#### MESSAGE FROM THE GOVERNOR

By his Private Secretary.

STATE OF ALABAMA,  
EXECUTIVE DEPARTMENT,  
Montgomery, Jan. 18, 1875.

Gentlemen of the General Assembly of Alabama :

I have the honor to transmit herewith the report of the State Geologist, Prof. E. A. Smith, for the year 1874.

GEO. S. HOUSTON,  
Governor.

Mr. Martin of Tuscaloosa, offered the following, which lies over one day ;

Rule 41. The sessions of the Senate shall begin at 10¼ o'clock, a. m., and close at two o'clock p. m., upon each day, when a session is had.

### MESSAGE FROM THE GOVERNOR

By his Private Secretary.

STATE OF ALABAMA,  
EXECUTIVE DEPARTMENT,  
Montgomery, Jan. 18, 1875.

Mr. President :

I am directed by the Governor to inform the Senate that he has approved the following bill, which originated in the Senate :

S. B. 187. An act to provide for the election of a town marshal in the town of Athens, Limestone county.

Very respectfully,

L. R. DAVIS,  
Private Secretary.

On motion of Mr. Hamilton, the special orders were suspended to allow members to introduce certain bills.

Bills were introduced —

By Mr. Hamilton.

S. B. 357. To regulate the holding of office in certain cases ;

Also,

S. B. 358. To authorize trustees to make investments of trust funds beyond this State.

By Mr. Little—

S. B. 359. To create a lien, and to provide for the enforcement thereof, upon property on rented premises, for the payment of the rent thereof.

By Mr. Moore—

S. B. 360. To amend section 2338 of the Revised Code ;

Which were severally read the first and second times, under a suspension of the constitutional rule, and referred to the Judiciary Committee.

By Mr. Hamilton—

S. B. 361. To enable boards of underwriters, companies, corporations, associations, underwriters, agents, or persons, to establish and maintain a fire insurance patrol.

By Mr. Little—

S. B. 362. To authorize R. M. Campbell, trustee, to pay the taxes on a tract of land known as the Hamp Smith tract in Lowndes county, and exempt him from paying any portion thereof in Dallas county ;

Which were read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Local Legislation.

Mr. Cobb submitted a memorial of citizens of Selma ;

Which was referred to the Committee on Municipal and County Organizations.

Mr. Hamilton, from the Committee on the Judiciary, recommended the adoption of the joint resolution, in relation to numbering and keeping a correct docket of all the bills and joint resolutions, which may be offered in each House of the General Assembly, and a list of all committees appointed.

The resolution was adopted.

On motion of Mr. Farden, the Senate adjourned till quarter past ten o'clock to-morrow morning.

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TUESDAY, Jan. 19, 1875.

The Senate met pursuant to adjournment.

Prayer by Rev. Dr. Stringfellow.

Present—

Messrs. Black, Carmichael, Cobb, Coleman, Cooper, Cunningham, Curtis, Dereen, Driesbach, Edwards, Glass, Green, Hamilton, Harris of Russell, Inzer, Jones, Leftwich, Little, Martin of Conecuh, Martin of Tuscaloosa, Moore, Parks, Robinson, Snodgrass, Terrell and Walton—26.

The journal of yesterday was read and approved.

The rule offered by Mr. Martin of Tuscaloosa, on yesterday, proposing to fix the time of the daily sessions of the Senate, was taken up.

The Senate refused to adopt the rule.

Mr. Hamilton, from the Judiciary Committee, reported the following as a substitute for the resolution as to the order of business, which was adopted :

Resolved, That on and after the second Monday of each session of the Senate, Mondays and Thursdays shall be devoted, after the call of the districts, to reports of standing committees—then to bills upon their third reading, then to bills upon their second reading, both in the order of their introduction.

Tuesdays and Fridays of each week, after the call of the districts shall be devoted to the consideration of messages from the House of Representatives, then to bills on their second reading, in the order of their introduction; then to reports of committees, giving the preference therein to reports from special or select committees, and then to bills on their third reading, in the order of their introduction.

Wednesdays, after the call of the districts, shall be devoted to reports of committees, giving the preference to reports from special or select committees ; what remains of the day shall be devoted to miscellaneous business, and then to bills on their second and third reading, in the order of their introduction.

Saturdays, after the call of the districts, shall be devoted to local bills and miscellaneous business—and if there be none, or such business be concluded, then to reports of standing committees, then to bills on their second and third reading, in the order of their introduction.

At all times when reports from standing committees are in order, the committees shall be called, beginning with that committee which had the floor when reports from committees were last in order.

This rule shall not interfere with the making of any matter the special order for any particular day by special order of the Senate, but such special orders shall not be called before 12 o'clock, unless specially directed by the Senate.

This resolution is adopted as a standing rule of the Senate, and shall not be suspended except by a vote of three-fourths of the Senate.

Mr. Terrell moved to amend the last clause of the resolution, by striking out “three-fourths,” and inserting “three-fifths.

Lost.

The resolution was adopted.

On motion of Mr. Cobb, Messrs. Carmichael, Little and Dereen were appointed a select committee to revise and have printed 150 copies of the rules of the Senate, including the order of business adopted to-day.

On motion of Mr. Parks, Mr. Cobb was added to the committee, and the committee was required to report back the rules, after they are revised and printed, to the Senate for adoption.

#### MESSAGE FROM THE HOUSE

By Mr. Garrett—

Mr. President :

The House has originated and passed the following bills:

H. B. 343. To declare A. D. McNeil, Luke Coley, William Lane, J. M. Crawford and B. T. Johnson, of the county of Escambia, citizens of the county of Monroe.

H. B. 344. To change the times of the meetings of the regular fall term of the circuit courts of Choctaw and Marengo counties.

ELLIS PHELAN,  
Clerk.

CALL OF THE DISTRICTS.

Bills were introduced:

By Mr. Moore—

S. B. 363. For the relief of Dr. William J. McMahan, of the county of Lawrence.

By Mr. Snodgrass —

S. B. 364. To authorize Amos Ryan, a cripple of the county of DeKalb, to peddle in said county without license.

By Mr. Cooper—

S. B. 365. To prohibit the selling, or otherwise disposing of spirituous, or other intoxicating liquors, within five miles of Sterling Mills, the Methodist church and school house near thereto, in Cherokee county.

Also,

S. B. 366. To prohibit the Mile, or otherwise disposing of, vinous, spirituous, or other intoxicating liquors within five miles of Hebron and Mount Bethel churches in Cherokee county in this State.

By Mr. Inzer—

S. B. 307. To repeal an act to compel certain persons therein named to work on public roads in Jefferson, St. Clair, DeKalb, Washington and Tuscaloosa counties, approved 13th January, 1846, so far as the same applies to the county of St. Clair.

Which were severally read the first, second and third times, under a suspension of the constitutional rule, and passed.

By Mr. Edwards, with a petition—

S. B. 368. To establish a special term of the circuit court of Blount county, in the town of Cullman.

By Mr. Snodgrass —

S. B. 369. To render more explicit and to provide for the more effectual enforcement of section 3618 of the Revised Code.

By Mr. Cobb—

S. B. 370. To better secure the payment of mechanics and others, for their labor and materials furnished.

By Mr. Robinson—

S. B. 371. To amend section 3587 of the Revised Code ;  
Which were severally read the first and second times, under a suspension of the constitutional rule, and referred to the Judiciary Committee.

By Mr. Edwards—

S. B. 372. To prevent camp hunting in the counties of Blount, Marion and Winston.

By Mr. Robinson—

S. B. 373. To provide for the collection of certain taxes therein named ;

Which were severally read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Local Legislation.

By Mr. Grayson—

S. B. 374. To amend an act to incorporate the East Alabama Female College and the Bascomb Female Institute, approved January 27, 1852;

Which was read the first and second times, under a suspension of the constitutional rule, and referred to a select committee composed of Messrs. Coleman, Martin of Tuscaloosa and Grayson.

By Mr. Snodgrass—

S. B. 375. To repeal an act to prohibit the sale, or otherwise disposing of spirituous, vinous or malt liquors in less quantities than forty gallons, within five miles of the court house in the town of Scottsboro, in Jackson county, Alabama ;

Which was read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Temperance.

By Mr. Inzer—

S. B. 376. To prohibit the Governor of this State, or any one else, from employing counsel or retaining or securing the services of an attorney or solicitor at an amount greater than one thousand dollars in behalf of the State, except by and with the consent of the Senate.

Also,

S. B. 377. To amend section 2339 of the Revised Code.

Also,

S. B. 378. To amend section 2342 of the Revised Code.

Also,

S. B. 379. To amend section 2347 of the Revised Code.

By Mr. Martin of Tuscaloosa—

S. B. 380. To establish boards of health in this State ;  
Which were severally read the first and second times, under

a suspension of the constitutional rule, and referred to the Committee on Finance.

By Mr. Cobb—

S. B. 381. To regulate elections in this State ;

Which was read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Privileges and Elections.

#### MESSAGE FROM THE HOUSE

By Mr. Whitman.

Mr. President :

The House has passed the Senate bill—

S. B. 230. To provide for the transfer of trust estates in this State to other States.

ELLIS PHELAN,  
Clerk.

#### ENROLLED BILL.

Mr. Grayson, from the Committee on Enrolled Bills, reported the following correctly enrolled:

S. B. 230. An act to provide for the transfer of trust estates in this State to other States.

The hour of 12 o'clock having arrived, the Senate proceeded to the consideration of the special order, which was the bill—

S. B. 229. To execute the power of disposal of the lands granted by an act of Congress entitled, an act granting public lands in alternate sections to the State of Alabama to aid in the construction of certain railroads in said State, approved June 3, 1856, which power of disposal is conferred upon the Legislature of Alabama by said act of Congress.

Mr. Martin of Tuscaloosa, moved the indefinite postponement of the bill.

Pending the consideration of the motion,

On motion of Mr. Edwards, the Senate adjourned at 2 o'clock and fifteen minutes; till quarter past 10 o'clock tomorrow morning.

WEDNESDAY, January 20th, 1875.

The Senate met pursuant to adjournment.

Prayer by Rev. Dr. Stringfellow.

Present :

Messrs. Black, Carmichael, Cobb, Coleman, Cooper, Cunningham, Curtis, Dereen, Driesbach, Edwards, Golson, Grayson, Green, Hamilton, Harris of Lee, Harris of Russell, Inzer, Jones, Leftwich, Little, Martin of Conecuh, Martin of Tuscaloosa, Moore, Parks, Robinson, Royal, Snodgrass, Terrell and Walton—29.

Journal of yesterday read and approved.

Mr. President announced that in consequence of the vacancy created by the death of Senator Ervin, he had appointed the following named Senators on the committees designated :

On the committee to examine the offices of the Auditor, Treasurer and Superintendent of Public Instruction, Mr. Snodgrass.

On the joint committee redistricting the State, Mr. Martin of Conecuh.

On the special committee forming a new county to be called "Magnolia," Mr. Parks.

On the special committee on State indebtedness, Mr. Cunningham.

On Committee on Finance and Taxation, Mr. Martin of Conecuh.

On Committee on Penitentiary, Mr. Harris of Lee.

#### CALL OF THE DISTRICTS.

Bills were introduced :

By Mr. Robinson—

S. B. 382. To divide the State into eight Congressional Districts ;

Which was read the first and second times, under a suspension of the constitutional rule, and referred to the Joint Committee on redistricting the State, with instructions to report on Monday next, immediately after the reading of the journal.

Also,

S. B. 383. To authorize the sheriff of this State to execute all legal process that is now required of constables in said State ;

Which was read the first and second times, under a suspen-



sion of the constitutional rule, and referred to the Committee on Revision of Laws.

Also,

S. B. 384. To fix the pay and mileage of members of the General Assembly ;

Which was read the first and second times, under a suspension of the constitutional rule.

On motion of Mr. Inzer, the words, " passage of this act," in the third line of the first section, were stricken out, and the words " first day of March, 1875," inserted.

Mr. Green moved to strike out the words, " four dollars," in the 8th line of section one, and insert the words, " three dollars per day, in United States currency."

On motion of Mr. Robinson, the amendment was laid on the table. Yeas 18—nays 13.

Those who voted in the affirmative are—

Messrs. Carmichael, Cobb, Coleman, Cunningham, Curtis, Dereen, Driesbach, Edwards, Grayson, Jones, Leftwich, Little, Martin of Conecuh, Moore, Parks, Robinson, Snodgrass and Terrell—18.

Those who voted in the negative are—

Messrs. Black, Cooper, Farden, Glass, Golson, Green, Hamilton, Harris of Lee, Harris of Russell, Inzer, Martin of Tuscaloosa, Royal and Walton—13.

Mr. Robinson moved to reconsider the vote adopting Mr. Inzer's amendment.

Lost. Yeas 15—nays 16.

Those who voted in the affirmative are—

Messrs. Black, Carmichael, Cobb, Coleman, Edwards, Harris of Lee, Inzer, Little, Martin of Tuscaloosa, Moore, Parks, Robinson, Snodgrass, Terrell and Walton—15.

Those who voted in the negative are—

Messrs. Cooper, Cunningham, Curtis Dereen, Driesbach, Farden, Glass, Golson, Grayson, Green, Hamilton, Harris of Russell, Jones, Leftwich, Martin of Conecuh, and Royal—16.

Mr. Terrell moved that the words, " and until the first day of November, 1876," be added after the figures, " 1875," in the third line of section one.

Mr. Hamilton moved to amend the amendment by substituting "1875" for "1876."

On motion of Mr. Terrell, the amendment to the amendment was tabled.

Mr. Robinson moved to lay the amendment offered by Mr. Terrell on the table.

Lost.

Those who voted in the affirmative are—

Messrs. Carmichael, Cobb, Coleman, Cunningham, Edwards, Glass, Harris of Lee, Inzer, Little, Martin of Tuscaloosa, Moore, Parks, Robinson and Snodgrass—14.

Those who voted in the negative are—

Messrs. Black, Cooper, Curtis, Dereen, Driesbach, Farden, Golson, Grayson, Green, Hamilton, Harris of Russell, Jones, Leftwich, Martin of Conecuh, Royal, Terrell and Walton—17.

The amendment offered by Mr. Terrell was then adopted.

Mr. Farden offered the following :

Amend by striking out all after the word “attendance,” in the ninth line of section one, and inserting, “ no member of the General Assembly shall hereafter be allowed mileage in going to or returning from the seat of government.”

Pending the consideration of this amendment, the hour of twelve o'clock having arrived, the Senate proceeded to the consideration of the

#### SPECIAL ORDERS.

The bill—

S. B. 329. To execute the power of disposal of the lands granted by an act of Congress entitled an act granting public lands in alternate sections to the State of Alabama, to aid in the construction of certain rail roads in said state, approved June 3rd. 1856, which power of disposal is conferred upon the Legislature of Alabama by said act of Congress;

Was taken up.

The question being on the motion to indefinitely postpone the bill ;

On motion of Mr. Cobb, the further consideration of the motion was postponed till twelve o'clock, m., to-morrow.

The next special order was taken up, which was the bill—

S. B. 212. To make certain warrants and certificates receivable in payment of county taxes of Montgomery county.

The question being on the adoption of Mr. Farden's pending amendment,

On motion of Mr. Martin of Tuscaloosa, it was laid on the table.

On motion of Mr. Cooper, the following sections were added to the bill :

SEC. 4. Be it further enacted, That it is hereby made the duty of the tax collector of Montgomery county to receive from the tax-payers of said county, in payment of taxes due said county, the coupons of the bonds of said county, which may be due and payable at the time said coupons are tendered.

" SEC. 5. Be it further enacted, That said payment may be made in whole or in part by said tax-payers, making it his duty to enter on such coupons, should it exceed the amount of the tax to be by him paid, a relinquishment of the excess of such coupon, over the amount of the taxes due said county from said tax-payer."

The bill was read the third time, under a suspension of the constitutional rule, and passed.

The caption was amended by adding after the word, "certificates," the words, " and coupons of the bonds of Montgomery county."

The bill was ordered forthwith to the House, without being engrossed.

### MESSAGE FROM THE HOUSE

By Mr. Garrett.

HOUSE OF REPRESENTATIVES,

January 20th, 1875.

Mr. President:

The House has passed the following Senate bills—

S. B. 232. To authorize the State of Alabama to bring civil suits for the assertion of its rights in all cases growing out of the assertion of its rights in all cases growing State in aid of any Railroad Company.

S. B. 313. To re-transfer the records of civil causes decided by the city court of Mobile from the circuit court to the city court of Mobile,

S. B. 302. To pay James Hale of Montgomery county, for work done on the Senate Chamber.

S. B. 301. To prevent any person from camping within one hundred yards of any church within one half mile of Fredonia Chambers county, Ala.

S. B. 293. To punish County Superintendents of Education for embezzlement.

S. B. 93. To repeal section 13 of an act for the government of the Bureau of Industrial Resources.

S. B. 229½ . To authorize the cession to the United States of the title of this State to submarine sites for light-houses and other aids to navigation within the limits of Alabama.

S. B. 168. To amend section 2375 of the Revised Code of Alabama, so as to make it apply to contracts for tuition of children.

S. B. 190. For the relief of justices of the peace in the county of Dale.

S. B. 348. To amend a portion of section one of an act approved August 11th, 1868, entitled " an act to amend an act to incorporate the Mobile Mutual Insurance Company," approved Feb. 6th, 1866, so as to enable said Mobile Mutual Insurance Company to reduce its capital stock to \$175,000.

And has amended as therein shown, and passed the following Senate bills —

S. B. 191. "To repeal section 1374 of the Revised Code of Alabama so far as it relates to the county of Dale.

S. B. 350. To authorize the commissioners court of Franklin county to lay off said county into four commissioner's districts.

ELLIS PHELAN,  
Clerk.

MESSAGE TOOK THE GOVERNOR,

By his Private Secretary :

STATE OF ALABAMA,  
EXECUTIVE DEPARTMENT,  
MONTGOMERY, Jan. 19, 1875.

Mr. President:

The Governor has approved the following bill, which originated in the Senate :

An act,

S. B. 280. To provide for the transfer of trust estates in this State to other States.

Very respectfully,

L. R. DAVIS,

Private Secretary.

The next special order was taken up, which was the bill—

S. B. 321½. To prohibit the sale, or giving away, of any vinous, spirituous, or other intoxicating drinks within five miles of the towns of Lebanon, Collinsville, or Fort Payne, in the county of De Kalb.

The question being on the adoption of Mr. Inzer's amendment,

On motion of Mr. Snodgrass, the bill and amendment were laid on the table.

Mr. Martin of Tuscaloosa, by leave, offered a joint resolution—

S. R. 385. Requiring the auditor to draw his warrant upon the treasurer for \$33 50-100 in favor of J. R. Wing ;

Which was read the first and second times, under a suspension of the constitutional rule, and referred to the Finance Committee.

On motion of Mr. Dereen, the Senate adjourned at quarter past 2 o'clock, p. m., till quarter past 10 o'clock, a. m., to-morrow.

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THURSDAY, January 21, 1875.

The Senate met pursuant to adjournment.

Prayer by Rev. Dr. Stringfellow.

Present : Messrs. Black, Carmichael, Cobb, Coleman, Cunningham, Curtis, Dereen, Driesbach, Glass, Grayson, Green, Hamilton, Haralson, Harris of Lee, Harris of Russell, Inzer, Jones, Little, Martin of Conecuh, Martin of Tuscaloosa, Moore, Robinson, Royal, Terrell and Walton—25.

The journal of yesterday was read and approved.

Leave of absence was granted to Mr. Parks for one day, and to Mr. Cooper indefinitely, on account of sickness.

The President submitted a memorial from the National Board of Trade, which was referred to the Judiciary Committee.

Mr. Cobb, from the Committee on Federal Relations, asked further time in which to report on the resolutions on Louisiana affairs.

The committee were allowed until Monday, and were instructed to report immediately after the reading of the journal.

On motion of Mr. Martin of Tuscaloosa, the call of the districts was temporarily suspended to take up the Governor's message relating to the report of the State geologist.

On motion of Mr. Martin of Tuscaloosa, two thousand copies of the report of the State geologist were ordered to be printed for the use of the Senate.

Mr. Cobb moved to suspend the order of business to allow him to move that the Senate request the House of Representatives to return to the Senate the bill—

S. B. 212. To make certain warrants, certificates and coupons of the bonds of Montgomery county, receivable in payment of the county taxes of said county.

The Senate refused to suspend.

Mr. Carmichael recommended the adoption of the following rule :

" The executive and confidential legislative proceedings, shall be kept in a separate book from the public legislative proceedings of the Senate."

Adopted.

## MESSAGE FROM THE HOUSE,

By Mr. Garrett :

HOUSE OF REPRESENTATIVES,  
January 21, 1875.

Mr. President :

The House has originated and passed the following bills:

H. B. 360. To amend the charter of the Pickens Academy.

H. B. 351. To prohibit the sale, giving away, or otherwise disposing of spirituous, vinous or malt liquors within three miles of Smithville Academy and Walnut Grove Church in Henry county, Alabama.

ELLIS PHELAN,  
Clerk.

## CALL OF THE DISTRICTS.

Bills were introduced :

By Mr. Terrell—

S. B. 386. To protect the interest of the State by appointment of State directors in all railroad companies in this State, wherein such railroad companies have accepted or may accept either straight or endorsed bonds of this State.

Also,

S. B. 387. To relieve from non-age John M. Mitchell, of Tallapoosa county.

By Mr. Harris of Lee—

S. B. 388. To repeal an act for the protection of unfortunate females, and to prohibit their being worked on the public streets of the several incorporated towns and cities of this State, as a means of punishment for the violation of city or town ordinances.

By Mr. Green—

S. B. 389. To protect laborers against the division of man and wife by employers or their agents.

By Mr. Little—

S. B. 390. To compel courts of county commissioners of this State to carry out the provisions of chapter 3, title 2, part 4 of the Revised Code, providing for hard labor for the county.

Also,

S. B. 391. To amend section 3439 of the Revised Code ;  
Which were severally read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on the Judiciary.

By Mr. Harris of Lee—

S. B. 392. To change the name of Ella Bogia, of Lee county ;

Which was read the first and second times, under a suspension of the constitutional rule, and ordered to a third reading.

By Mr. Harris of Russell—

S. B. 393. To repeal an act to regulate the assessing and collecting the poll tax in the counties of Henry, Greene, Dale, Russell and Madison, approved February 1, 1872, so far as the same affects or applies to the county of Russell.

By Mr. Golson—

S. B. 394. To authorize John A. Houser, of Autauga county, to practice medicine and charge for his services ;

Which were severally read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Local Legislation.

By Mr. Black—

S. B. 395. To authorize the establishment of houses of refuge in this State ;

Which was read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Municipal and County Organizations.

Mr. Martin of Conecuh, moved that fifty copies of the bill be printed for the use of the Senate ;

Lost.

By Mr. Jones—

S. B. 396. For the protection of plantations and lands against the depredations of stock in Lowndes county, so far as relates to Sandy Ridge and Farmerville Beats ;

Which was read the first and second times, under a suspension of the constitutional rule, and referred to a special committee, consisting of Messrs. Cooper, Carmichael and Jones.

By Mr. Jones—

S. B. 397. To amend section one of an act to prevent the sale, giving away or otherwise disposing of spirituous, vinous or malt liquors, within four miles of Hopewell Baptist Church, and the Magnolia Academy, in Lowndes county.

By Mr. Little—

S. B. 398. To repeal an act to amend section 689 of the Revised Code, and re-enact said section.

By Mr. Driesbach—

S. B. 399. To prohibit the sale, bartering or giving away, of spirituous, vinous or malt liquors, within two and a half miles of Mount Pleasant Methodist Church, and Little River Baptist Church in Monroe county.

By Mr. Martin of Conecuh—

S. B. 400. To transfer the powers and jurisdiction of the criminal court of Butler county, together with all the records, books and papers belonging thereto, to the circuit court of Butler county ;

Also,

S. B. 401. To repeal an act to amend sections two and four of the charter of the city of Greenville;

Which were severally read the first, second and third times, under a suspension of the constitutional rule, and passed.

By Mr. Curtis—

S. B. 402. A petition against cutting off any portion of Perry county and adding it to Bibb county ;

Which was referred to the Committee on Municipal and County Organizations.

By Mr. Leftwich—

S. B. 403. For the relief of James B. Head, late clerk of the circuit court of Greene County.

Which was read the first and second times, under a suspension of the constitutional rule, and referred to the committee on Finance.

By Mr. Hamilton, with a memorial —

S. B. 404. To establish a board of health in the city of Mobile ;

Which was read the first and second times, under a suspension of the constitutional rule, and referred to a select committee, composed of Messrs. Hamilton, Martin of Tuscaloosa, and Cobb.

By Mr. Martin of Conecuh —

S. B. 405. To regulate the payment of taxes collected by the tax collector of Montgomery county, and to provide a depository of the same;

Which was read once.

Mr. Farden moved to lay the bill on the table ;

Lost.

The bill was ordered to a second reading.

By Mr. Martin of Conecuh —

S. B. 406. To abolish the office of county treasurer for Montgomery county ;

Which was read the first time and ordered to a second reading.

By Mr. Martin of Conecuh—

S. B. 407. To compel the tax collector of Lowndes county to receive certain claims against said county of Lowndes in payment of taxes due said county ;



Which was read the first and second times, under a suspension of the constitutional rule.

Mr. Haralson moved to strike out the word "Lowndes" where it occurs in the bill.

On motion of Mr. Martin of Conecuh, the amendment was laid on the table.

Pending the further consideration of the bill, the hour of 12 o'clock- having arrived, the Senate proceeded to the consideration of the

#### SPECIAL ORDERS.

S. B. 269. The bill to define the duties of county solicitors ;  
Was read the third time.

#### MESSAGE FROM THE HOUSE

By Mr. Whitman.

#### HOUSE OF REPRESENTATIVES, January 21, 1875.

Mr. President:

The House has originated and passed the following bill:

H. B. 362. To enable the people of Franklin county to permanently locate the seat of justice of said county.

ELLIS PHELAN,  
Clerk.

Mr. Carmichael moved to recommit the bill—

S. B. 269. To define the duties of county solicitors.

Mr. Moore moved to lay the motion on the table ;

Lost.

The bill was recommitted with instructions to report at 11 o'clock to-morrow morning, if practicable.

On motion of Mr. Green, at half past two o'clock, the Senate adjourned till quarter past ten o'clock a. m., to-morrow.

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FRIDAY, January 22, 1875.

The Senate met pursuant to adjournment.

Prayer by Rev. Dr. Stringfellow.

Present—

Messrs. Black, Carmichael, Cobb, Coleman, Cunningham, Curtis, Driesbach, Edwards, Glass, Golson, Grayson, Green, Hamilton, Haralson, Harris of Lee, Harris of Russell, Inzer, Jones, Leftwich, Little, Martin of Conecuh, Martin of Tuscaloosa, Moore, Parks, Robinson, Royal, Snodgrass, Terrell and Walton—28.

The journal of yesterday was read and approved.

Indefinite leave of absence was granted to Mr. Robinson on account of sickness.

#### CALL OF THE DISTRICTS.

Bills were introduced.

By Mr. Parks—

S. B. 408. To regulate Judicial proceedings in the probate court of Pike county, in certain cases therein named.

By Mr. Edwards—

S. B. 409. To amend the charter of the corporation of the town of Decatur, Morgan county ;

Which were read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Local Legislation.

By Mr. Carmichael—

S. B. 410. To annex fractional township seven, range 12, according to the Florida survey, to township one, range 26, according to the Alabama survey.

By Mr. Moore—

S. B. 411. To repeal an act to establish an inferior court of record in the town of Courtland, Alabama, and all laws amendatory thereof ;

Which were severally read the first, second and third times, under a suspension of the constitutional rule, and passed.

By Mr. Carmichael—

S. B. 412. To punish persons for obtaining money or other property upon false promises ;

Which was read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Internal Improvements.

By Mr. Coleman—

S. B. 413. To amend section 2704 of the Revised Code.

By Mr. Moore—

S. B. 414. To regulate the practice in chancery causes in the various circuit courts of the State.

By Mr. Snodgrass—

S. B. 415. To amend section 1858 of the Revised Code, for the relief of blacksmiths and wood-workmen in this State ;

Which were severally read the first and second times, un-

der a suspension of the constitutional rule, and referred to the Judiciary Committee.

By Mr. Moore—

S. B. 416. To change the boundary line between the counties of Colbert and Franklin ;

Which was read the first, second and third times, under a suspension of the constitutional rule, and passed by a two-thirds vote—yeas 29, nays 1.

Those who voted in the affirmative are —

Messrs. Black, Carmichael, Cobb, Coleman, Cunningham, Curtis, Dereen, Driesbach, Edwards, Farden, Glass, Golson, Grayson, Green, Hamilton, Haralson, Harris of Lee, Harris of Russell, Inzer, Jones, Leftwich, Little, Martin of Conecuh, Moore, Parks, Royal, Snodgrass, Terrell and Walton—29.

Mr. Martin of Tuscaloosa, voted in the negative.

By Mr. Grayson—

S. B. 417. To amend section 3314 of the Revised Code ;

Which was read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Revision of the Laws.

#### ENROLLED BILLS.

Mr. Harris, from the Committee on Enrolled Bills, reported the following correct :

S. B. 232. An act to authorize the State of Alabama to bring civil suits for the assertion of its rights in all cases growing out of the issue or endorsement of bonds in the name of the State, in aid of any Railroad Company.

S. B. 313. An act to re-transfer the records of civil causes decided by the city court of Mobile from the circuit court to the city court of Mobile.

S. B. 301. An act to prevent any person from camping within one hundred yards of any church within one half mile of Fredonia, Chambers county, Alabama.

S. B. 293. An act to punish County Superintendents of Education for embezzlement.

S. B. 302. Joint resolution to pay James Hale, of Montgomery county, for work done on the Senate Chamber.

S. B. 229½. An act to authorize the cession to the United States of the title of this State to submarine sites for light-houses, and other aids to navigation within the limits of Alabama.

S. B. 93. An act to repeal section 13 of an act entitled “an act for the government of the Bureau of Industrial Resources,” approved August 12th, 1868.

S. B. 168. To amend section 2376 of the Revised Code of Alabama, so far as to make it apply to contracts for tuition of children.

MESSAGE FROM THE HOUSE,

By Mr. Whitman :

HOUSE OF REPRESENTATIVES,  
January 22, 1875.

Mr. President :

The House has passed the Senate bill—

S. B. 139. To amend section 1 of an act entitled “ an act to empower the Governor to appoint notaries public, so far as it relates to or effects Barbour county.

And has originated and passed the following House bills :

H. B. 365½. To prohibit the sale of vinous or spirituous liquors within three miles of New Hope church and Plato Academy, in Greene county.

H. B. 366. To prohibit the sale of vinous or spirituous liquors within two miles of Snow Hill Depot, and within two miles of Bethsaida Baptist Church, near Snow Hill Depot, in Wilcox county, Alabama.

H. B. 363. To repeal an act entitled an act to incorporate Union Town, in Perry county, Alabama, approved March 3rd, 1870.

H. B. 365. To repeal section 545 of the Revised Code of Alabama, so far as it applies to Pickens county.

H. B. 239. To provide for the reference of cases of misdemeanor, to the county court of Marengo county, by the grand jury of said county.

H. B. 307. For the relief of the sureties of J. V. Beubow, the former tax collector of Crenshaw county.

ELLIS PHELAN,  
Clerk.

The hour of eleven o'clock having arrived, at which time the Committee on Revision of Laws were instructed to report, if practicable, on the bill—

S. B. 269. To define the duties of county solicitors.

Mr. Moore, from that committee, reported the following amendments, which were adopted :

Insert at the commencement of the second paragraph of the first section, the words, “they are authorized,” before the words, “ to appear.” Strike out of the 5th and 6th lines of section two, the words, “ a fee of five dollars,” and insert the words, “ such fees as are now allowed by law to solicitors.”

Mr. Martin of Tuscaloosa, offered the following amendment :

Add, after the word "courts," in the seventh line of the first section, the words, " and to attend the terms of the circuit court, held within their respective counties, and to discharge all the duties of said courts, which were performed before the adoption of the present constitution of the State, by the solicitors elected for the judicial circuits."

On motion of Mr. Moore, the amendment was laid on the table. Yeas 16—nays 14.

Those who voted in the affirmative are—

Messrs Cobb, Coleman, Cunningham, Driesbach, Edwards, Grayson, Hamilton, Harris of Lee, Inzer, Little, Martin of Conecuh, Moore, Parks, Snodgrass, Terrell and Walton—16.

Those who voted in the affirmative are---

Messrs. Black, Carmichael, Curtis, Dereen, Farden, Glass, Golson, Green, Harrison, Harris of Russell, Jones, Leftwich, Martin of Tuscaloosa, and Royal—14.

Mr. Carmichael moved to strike out all of the first paragraph of the first section, after the word "courts," in the third line.

Lost. Yeas 13—nays 16.

Those who voted in the affirmative are—

Messrs. Black, Carmichael, Driesbach, Farden, Golson, Green, Haralson, Harris of Russell, Jones, Leftwich, Martin of Tuscaloosa, Royal and Snodgrass — 13.

Those who voted in the negative are —

Messrs. Cobb, Coleman, Curtis, Dereen, Edwards, Glass, Grayson, Hamilton, Harris of Leo, Inzer, Little, Martin of Conecuh, Moore, Parks, Terrell and Walton—16.

Mr. Carmichael moved to strike out the word " justices," after the word " courts," in the fourth line of the second paragraph of the first section.

Mr. Carmichael moved to strike out the third paragraph of the first section.

Mr. Moore moved to lay the amendment on the table.

Lost. Yeas 13—nays 14.

Messrs. Cobb, Coleman, Dereen, Edwards, Farden, Glass, Golson. Grayson, Harris of Lee, Little, Martin of Conecuh, Moore and Terrell —13.

Those who voted in the negative are—

Messrs. Black, Carmichael, Cunningham, Curtis, Driesbach, Green, Haralson, Harris of Russell, Inzer, Leftwich, Martin of Tuscaloosa, Royal, Snodgrass and Walton—14.

The amendment was adopted.

Mr. Carmichael moved to strike out all of section two, after the fifteenth line.

The amendment was adopted.

Mr. Terrell moved that the following words be added at the end of the first section :

“ Provided, It shall be at the option of the solicitor to prosecute any case before any court, not held at the county site at which the court house is located.”

The Senate refused to adopt the amendment.

Mr. Moore moved to reconsider the vote by which the amendment was lost.

The motion to reconsider prevailed.

The amendment was adopted. Yeas 17, nays 8.

Those who voted in the affirmative are—

Messrs. Black, Cobb, Coleman, Cunningham, Dereen, Driesbach, Grayson, Hamilton, Harris of Lee, Inzer, Little, Martin of Conecuh, Martin of Tuscaloosa, Moore, Snodgrass, Terrell and Walton—17.

Those who voted in the negative are—

Messrs. Curtis, Farden, Golson, Green, Haralson, Harris of Russell, Jones and Leftwich—8.

On motion of Mr. Terrell, the bill was ordered to a third reading and made the special order for eleven o'clock tomorrow.

Mr. Edwards moved to suspend the business before the Senate to allow him to submit a report from the joint committee on the penitentiary.

The motion prevailed.

Mr. Edwards submitted the following

#### REPORT:

The special joint committee, raised by a resolution of both Houses of the General Assembly, to investigate the condition of the penitentiary and State agricultural farm, and report the same, have discharged that duty and ask leave to make the following report :

The committee proceeded to the prison at Wetumpka, and upon examination found the buildings and cells in good order. except in the main building they found the roof rotten and leaking, and the plastering in some places had fallen off. The building in the prison yard used for shops, such as saddlery, clothing and painting, was in a dilapidated condition, but by props in the lower story it is made safe for the convicts to work in. The building known as the hospital. we found had been repaired and was in good order. The re-

pairs on the building render it as comfortable as is necessary for the comfort of the sick. The building erected in 1852 for machinery, we found had been burned down— reported to have been done in November last— and the machinery, except the boiler, engine and turning lathe, was not materially injured by the fire. The remainder of the machinery we found piled up as so much refused iron.

In our examination into the condition of the convicts within the walls of the prison, we take pleasure in stating that they were properly clothed and apparently well cared for. We learn from the Warden that the conduct of the convicts is good. In fact, we learn there has been but few instances in the past twelve months where it became necessary for the officers of the prison to inflict the usual prison punishment. In regard to the treatment and management of the convicts within the walls, we can not refrain from expressing our entire approbation of the Warden for the apparent success in this particular. The health of the convicts is good. None in the hospital. The premises within and around the prison walls were clean and in good order.

We examined the books and found them neatly kept, yet there was a lack of full information as to many of the entries, as to require personal explanation to understand them properly. During the term of Dr. M. G. Moore, as warden, we found he had expended the amount of \$11,302 61. We find vouchers only for the sum of \$4,745 92,\* leaving the sum of \$6,556 69 for which we find no vouchers.

During the administration of Larkin Willis, as warden, we found he had expended the sum of \$30, 194 52. We only found vouchers for \$7,858 47—leaving the sum of \$22,236 05 for which we found no vouchers.

The committee then proceeded to the penitentiary farm. This farm is situated about six miles south of the penitentiary on the Tallapoosa river. It contains about 1,800 acres of land, 900 of which is in cultivation. A large portion of the land in cultivation is subject to inundation by the overflow of the river. The extraordinary rise in the river, and the unprecedented rains of last spring and summer, were the principal causes of the failure in the cross last year. A large portion of the land is very fertile, and with an average favorable season will produce remunerative crops. The committee is of the opinion that, with good management and favorable seasons, it could be made to pay a large proportion of the ex-

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\* Since this report was written, the committee have been furnished by Dr. M. G. Moore additional vouchers, to the amount of \$6,239 74.

penses of the penitentiary. There has been considerable improvement on the farm since the purchase by the State, in the way of clearing land— say 100 acres of swamp land— building barns to house the crops, and quarters for the convicts who work on the farm. The horses, mules and stock of all kinds, together with the wagons and farming tools, were all in good order.

From the tubular statement herewith annexed, it will be found there is corn and roughage enough on the farm to run it another year—that the farm produced during the year 1873 22½ bales of cotton, corn and fodder nearly enough to feed the stock— and that, during the year 1874, there was produced 43 bales of cotton, about 10,000 bushels of corn and 20,000 pounds of fodder, and several thousand pumpkins— but these we found were rotting very fast, owing to the want of shelterage for their protection.

The committee is of the opinion that the present overseer or superintendent on the farm is an experienced farmer, and well qualified to fill the position he occupies.

The committee would further report, that the convicts on the farm are properly clothed, well fed and in good health. None reported on the sick list.

The committee was informed by the superintendent of the farm, that the convicts had so demeaned themselves that very little punishment had been inflicted upon any of them during the past year. We noticed that after the crops were laid by, the convicts were employed in cutting out and grading a new ferry-road, but the earnings being after the first of October, do not appear in this report. The amount of earnings was supposed to be over \$300.

As the resolution confined the committee to the investigation of the penitentiary and State agricultural farm, they did not feel authorized to visit the different places where the convicts were hired out, therefore we are unable to make any report of the same.

The committee ask leave to submit the following exhibits of accounts, viz : statement of moneys received and disbursed by Dr. M. G. Moore, warden, from June 5th, 1872, to March 1st, 1873, showing a balance due him of \$519 70. In this account it will be noticed that the whole amount earned by the convicts for labor amounted to \$11,150, which is charged ; while the amount of \$8,924 71 is credited as due by the several parties as mentioned in exhibits hereto attached for labor done. Of this, the item of \$1,419 31 has since been settled, during the administration of Larkin Willis, as warden, by paying Thomas Williams' claim for feeding and guarding



convicts from 1st January, 1873, to 1st of April, 1873, (the date of farm purchase,) and for sundry farming implements. The account is charged with the sum of \$33 98, (which amount is due and unpaid,) to J. A. Thomas for wood, as the amount for wood has already been entered to his credit in the item of expenses. The items credited in this account are as follows : For commissions \$1,000, attorney's fees \$500, taking inventory \$500 ; total \$2,000. These items we find are in his account on file in the auditor's office and approved by the Governor. The claim of \$7,458, due by Ruckner and associates for labor of convicts, has been placed in the hands of attorneys by Dr. M. G. Moore for collection, and from his testimony we find there is but little prospect of the State ever realizing any thing.

Also, a statement of moneys received and disbursed by Larkin Willis, as warden, from March 1st, 1873, to October 1st, 1874, showing balance due by him to the State of \$20 88. In this account it will also be noticed that the sum of \$15,171 49 is charged for labor done, while the account is credited with \$9, 598 03, the amount for labor due and unpaid. Of this amount the sum of \$1,373 44 due by Dr. M. G. Moore, is to be paid in lumber, that being the agreement at the time of hiring the convicts. The sum due by Rucker and associates, \$1,291 70, is still unpaid, and also in the hands of attorneys for collection. The sum of \$3,120, due by Thomas Williams, has been paid by surrender of coupons past due on the penitentiary bonds. The act authorizing the issue of these bonds only contemplates the principle and interest to be paid out of the profits of the farm, and as by the statement herewith submitted the farm has not made any profit, your committee therefore has not allowed the same in the report. Since the 1st of October, we learn from Larkin Willis, the warden, that about \$3,500 of the remaining claim has been settled, leaving an amount of about \$5,000 which your committee consider as bad, if not uncollectable. There is charged the sum of \$10,505 05, being the amount due sundry parties for purchases made on account of the penitentiary and farm. This amount, the State being responsible for its payment, we have charged to Larkin Willis in the account, as his account has credit for the total purchases made.

Also, statement of the operations of the penitentiary from June 5th, 1872, to March 1st, 1873, under the management of Dr. M. G. Moore, as warden, showing a loss of \$5,733 83. It will be noticed in this, that the unpaid claims for labor are charged back, so as to represent the actual amount collected.

Also, statement of the operations of the penitentiary from

March 1st, 1873, to October 1st, 1874, under the management of Larkin Willis, as warden, showing a loss of \$22,230 91. It will again be noticed that there is charged back the sum of \$9,598 03, for labor done and unpaid, so that the account will only represent the moneys actually received. It will, however, be remembered that about \$3,500 of this amount has been reported to us as since collected.

Also, statement of the operations of the penitentiary farm from 1st of April, 1873, to October 1st, 1874, under the management of Larkin Willis, as warden, showing a loss of \$5,-222 57. In this statement there has been credited the value of cotton, corn and shucks, sold since the 1st of October last, and the value of property on hand, independent of the property embraced in the original purchase from Thomas Williams.

Also, the value of the stock of corn, fodder and hogs on the farm, which are necessary to carry on the farm for the next year. This we deem proper in order to show the correct position of this account.

We also present a list of the names of officers, their grade, term of service and rates of pay, and the amount paid each from June 5th, 1872, to October 1st, 1874. In this it will be noticed that the following named officers received, by some clerical error, pay for a portion of the time twice, viz :

J. B. Drake as guard from Oct. 1, to Nov. 1, 1873.... \$25 00

C. Elmore, guard for the same time ..... 25 00

E. S. Carter, guard from July 1, to August 1, 1874 .... 25 00

E. Mason, physician, from March 1, to April 1, 1873. 41 66

And that R. C. Clark drew pay as clerk from March 1,

to April 1, 1873..... 66 66

when Dr. M. G. Moore drew the same amount as clerk for the same time.

Also, a recapitulation of all the above accounts, showing the amount the State has expended since the 1st of June, 1872, on account of the penitentiary— the amount of debts due by the State, less the value of farm products sold since the 1st of October last. The amount of a claim against former lessee, collected and used in paying the expenses of the penitentiary since the 5th of June, 1872. Also, the loss in value of stock, of materials, tools, &c. Thus showing an outlay of \$44,262 31, and then a statement of when and how expended.

We herewith submit a tabular statement of the operations of the penitentiary and State farm, showing the average number of convicts in prison during each term— the number in the penitentiary and the number on the farm—the average expen-

ses and average earnings of each convict, and then the result as to each convict on the farm and in the penitentiary combined.

The committee find that during Gov. R. B. Lindsay's administration, the lease of Smith and McMillan having terminated, he appointed Dr. M. G. Moore as warden, and by direction of the Governor the warden hired about 100 of the convicts to Messrs. Rucker and associates, who were railroad contractors. On the assembling of the General Assembly in November, 1872, the Senate failed to confirm the appointment of Dr. M. G. Moore as warden.

Gov. D. P. Lewis appointed Larkin Willis as warden in March, 1873. Messrs. Rucker and associates having failed to pay any money for the hire of the convicts, they were taken away and placed in the penitentiary, there being about 25 or 30 left, and none of them in good health. After their health was sufficiently restored, they were hired out to other parties. At this time it was difficult to hire them, as the railroad interest in the projecting lines was perfectly prostrated, owing to the stringency of the money markets. It was thus difficult, and at times impossible, to keep all the convicts employed, thus entailing a heavy expense upon the State. To save expense, several modes of hiring were attempted, viz : Contractors to pay 30 cents a day, furnish guards, provisions, clothing and medicine : then to pay 75 cents a day, and the State to furnish guards, provisions, clothing and medicine, until about the 1st of October last, the following arrangement was adopted by the warden, as the best for the State, viz: Contractors to pay \$5 per moth, and furnish guards, provisions, clothing and medicine ; the State only to furnish one superintendent, where 30 or more were hired, to keep a general supervision over the health and comfort of the convicts, and be only to inflict punishment when he deemed it necessary. Owing to the almost entire failure of the crops in 1873, and the partial failure in the year 1874, the farming operations show a heavy loss of \$5,222 57. Under all these disadvantages the penitentiary and farm show a loss of \$33,187 31, less amount of labor claims reported as settled since October 1st, about \$3,500 ; net actual loss \$29,687 31. The committee is of the opinion that it is not probable that the penitentiary and farm can be made self-sustaining under the existing mode of hiring convicts.

Your committee respectfully call attention to the evidence herewith submitted, in which it will be found that while R. C. Clark was deputy warden of the penitentiary, he was absent at the General Assembly of Alabama, and occupied the posi-

tion of door-keeper of the House, and afterwards of the Senate, which necessitated the warden to employ Mr. A. Nummy, at a salary of \$750 per annum, to take charge of the prison during the absence of the warden and deputy warden, and from the books in the Auditor's office to that date, to-wit : from June 5, 1872, to April 1, 1873, we find he drew pay as deputy warden, at the rate of \$1,000 per annum, and as clerk for the same time, at the rate of \$800 per annum ; that the warden did not appoint him as clerk, nor approve either of his accounts that were allowed by the Auditor of the State.

That from November 17, 1872, to April 23, 1873, except during the recess of the General Assembly, we find he drew pay as door-keeper of the House, and after that as door-keeper of the Senate. Upon examination of the vouchers allowed by the Auditor, copies of which are herewith attached, it will be noticed that the vouchers were approved by the inspectors, also the opinion of the Attorney General accompanies the voucher, showing that he had the right to draw pay as clerk.

We find, upon further investigation, that Mr. A. Nummy, while occupying the position as sergeant of the guard, at a salary of \$400 per annum and rations, be also held for a portion of the time the position of superintendent of guard or shops, at a salary of about \$200 per annum. That by reference to the minutes of the board of inspectors of a meeting held March 10, 1873, a copy of which is hereto attached, the board allowed Mr. A. Nummy the sum of \$350, in lieu of extra services and as commutations of rations, (the rations valued at \$150). We find he also held the position of commissary, at a salary of \$180 per annum. The amount paid out for these extra positions and for commutation of rations, we find amount to the sum of \$620 85.

We find that Mr. A. Brassell drew pay as turnkey for ten months, from June, 1872, to April, 1873, at the rate of \$300 per annum and rations, while the testimony shows that the warden did not appoint him as such, nor recognize him in that or any other official position, but as he had performed for a time the duties of a turnkey, the warden expected to pay him for three mouths' services. The vouchers paying him were not approved by the warden. In connection with this, we find that R. C. Clark drew pay for boarding Mr. A. Brassell for the ten months.

There is no evidence before the committee that R. C. Clark held any position about the penitentiary after the first of March, 1873, when the warden, Dr. M. G. Moore, was removed, yet the vouchers show that he drew pay as clerk up to first of April, 1873.

It further appears from the evidence, that for the time that M. G. Moore drew pay as clerk of the penitentiary, Mr. S. Barnard was performing the work under agreement, employing him as clerk and assistant of the warden, and received his pay as agreed upon when he was employed.

It further appears that W. R. Willis was appointed by the board of inspectors to the position of clerk of the penitentiary, at a salary of \$800 per annum ; that the labor of keeping the books and accounts was performed by S. H. Pairo, a convict, (though since pardoned), and that it was agreed between W. R. Willis and the warden, to hire the time of Pairo at such rate of compensation as the board of inspectors should order. This has not been done, the board refusing to make any charge for the services of said Pairo. The committee do not approve of the course pursued in appointing a salaried clerk where a convict could and did do the work.

That while W. R. Willis held the position of clerk of the penitentiary, and drawing the salary of the same, he was also appointed by the warden as clerk of the farm from January 1, 1874, at a salary of \$500 per annum. This amount has not been drawn, but is placed to his credit upon the farm books.

From the evidence before your committee, it appears that said Pairo was permitted to have liberty outside the walls, and did go to the postoffice in Wetumpka for the mail, and that he was not required to be dressed in the usual prison garb.

Your committee would call attention that they have learned from the warden and his clerk that since first October last, nearly all the debts due by the penitentiary and farm have been settled by the collections of part of the labor contracts, named in the accompanied statements of accounts, and from the sales of farm produce. That by the judicious management of the convicts within the walls, who were incapable of being hired out, they cultivated land adjacent to the prison upon shares with the owner of the land ; the product of their labor was thirteen bales of cotton, as will be seen in the statement of the penitentiary account.

Your committee learning that the farm which was purchased by the State was under mortgage, they examined Mr. Thos. Williams, and others; and find, upon a careful examination, that when the purchase was made there was, as is now, a mortgage hanging over about one-half the land, made by Thos. Williams ; and we herewith attach copies of the date and mortgage matter as given us by the attorney of the mortgage ; that Thomas Williams did not mention to the warden,

Governor or Attorney General any thing about the mortgage, as he expected, when the sale to the State was completed, to be then able to cancel said mortgage— but owing to the stringency of the money market in New York, which he visited for that purpose, he was unable to do so ; and then, for the purpose of securing the State against loss, and the only means left at his disposal, he made a transfer or assignment of \$59,000 of the bonds to first pay off this mortgage, and after that to settle other debts—a copy of this transfer or assignment we herewith attach. We learn from the attorney of the mortgagee, R. S. Trappier, that the conditions of said transfer or assignment has been accepted by him. Your committee would merely state these facts, as they require legal opinion as to whether the State is safe or not. But before leaving this subject, your committee wish to fully exonerate the Warden and Governor from all blame, if there is any, as to this matter.

Your committee would add, that if the penitentiary is to be continued under the management of a warden, that the Governor be requested to prepare such rules and regulations for the receipt and disbursement of moneys, keeping of accounts, hiring of convicts, &G., as he may deem necessary for the protection of the State.

Your committee would respectfully make the following suggestions to the General Assembly in regard to hiring out State convicts, to-wit : That they may be hired out for a term of five years, to parties wishing to hire for that term, said parties so hiring giving bond and security for the payment of said hire, payable quarterly, or every three months, thereby securing the State against a loss of more than three months hire. Parties who have been hiring State convicts to work in coal mines, and elsewhere, have represented to your committee that they could afford to pay a higher rate for convicts hired for a term of three or five years, than for a shorter period, as the expense for providing for the security and comfort of the convicts was the same for one year as it was for five.

In the investigation made by your committee, the warden was unable to furnish the information and assistance necessary to a full understanding of the operations of the penitentiary and State farm, as set forth in his annual report. He states, that owing to his absence from the penitentiary at the time the annual report was made, rendered him unable to give the committee any information explanatory of the same. It is but just to the warden, however, to state, that his long continued ill-health rendered his frequent and some-

times prolonged absence from the penitentiary a matter of necessity—such absence being advised by his medical attendant. We would further state, that the health of Mr. Willis (the warden) is not yet sufficiently restored, to inspire the hope that he will in future be able more efficiently to serve the State in his present position.

Your committee cheerfully exonerates Mr. Willis from any willful failure to meet the requirements of his position, and believe that, to the best of his ability, he has discharged the duties of his office.

In regard to the management of the penitentiary and farm under the administration of the present incumbent, your committee are constrained to say, that from personal observation and investigation by the committee, and from verbal statement of the incumbent, as well as from documentary evidence herewith submitted, that the management of the State prison and farm under the present warden has not been profitable, but shows a heavy loss to the State. And your committee are of the opinion, that the interests of the State demand a change in the present management of the penitentiary and State farm, but do not feel warranted in making any further suggestions than those made by the committee in regard to hiring out convicts ; but are of the opinion, that with proper management and favorable seasons, the State farm could be made to pay a large proportion of the expenses incurred by the State in feeding and taking care of disabled convicts within the walls, and keeping up the penitentiary ; and that by hiring out the greater portion of the able-bodied convicts on terms as suggested above, that the large excess of expenses over the profits of the penitentiary and farm, as shown by tabular statement for the last two years, might be greatly reduced, and the penitentiary and farm be made self-sustaining if not profitable to the State.

In regard to the statement of your committee, as to certain officers of the penitentiary receiving pay twice for the same services by clerical errors, your committee would state, that they do not wish to be understood as charging, or intimating, that said parties drawing said pay did it with a purpose of fraud, but are of opinion that it was the result of an error on the part of the clerk making out said accounts.

All of which is respectfully submitted, and your committee ask to be discharged.

W. H. EDWARDS, Chm'n.

J. D. DRIESBACH,  
M. J. GREENE,  
M. L. FIELDER,  
E. R. MITCHELL,

On motion of Mr. Terrell, 150 copies of the report was ordered printed.

The next special order was taken up, which was the bill—  
S. B. 271. To re-establish the office of solicitor for each judicial circuit of the State.

Mr. Farden moved to make the bill the special order for 12 o'clock on to-morrow.

Lost.

The bill was read the third time.

Mr. Haralson moved to recommit the bill.

On motion of Mr. Terrell, the motion was tabled.

The bill passed. Yeas 16, nays 13.

Those who voted in the affirmative are—

Messrs. Cobb, Coleman, Cunningham, Driesbach, Edwards, Grayson, Hamilton, Harris of Lee, Inzer, Little, Martin of Conecuh, Moore, Parks, Snodgrass, Terrell and Walton—  
16.

Those who voted in the negative are—

Messrs. Black, Carmichael, Curtis, Dereen, Farden, Glass, Golson, Haralson, Harris of Russell, Jones, Leftwich, Martin of Tuscaloosa and Royal—13.

Mr. Martin of Tuscaloosa, moved to suspend the consideration of the order of business to allow him to submit a

S. B. 417½. Joint memorial to the Congress of the United States to make an appropriation for the opening of the Black Warrior river to navigation.

The motion prevailed.

Mr. Martin of Tuscaloosa, presented the joint memorial, which was adopted and ordered forthwith to the House.

On motion of Mr. Cobb, the bill—

S. B. 29. To execute the power of disposal of the lands granted by an act of Congress, entitled an act granting public lands in alternate sections to the State of Alabama to aid in the construction of certain railroads in said State, approved June 3, 1856, which power of disposal is conferred upon the Legislature of Alabama by said act of Congress ;

Was made the special order for 11 o'clock, a. m., on Tuesday, the 26th day of January, 1875.

The next special order was taken up, which was the House bill—

H. B. 23. To amend and enlarge section 720 of the Revised Code, providing for the appointment and removal of registers in chancery, so that the same may more fully conform to the provisions of Article VI, Section 15, of the Constitution of Alabama.

The bill was read the third time.



Mr. Haralson moved to indefinitely postpone the bill.

Pending the consideration of this motion,

On motion of Mr. Black, at quarter past 2 o'clock, the Senate adjourned till quarter past 10 o'clock, a. m., to-morrow. Yeas 16, nays 13.

Those who voted in the affirmative are—

Messrs. Black, Carmichael, Curtis, Dereen, Farden, Glass, Green, Haralson, Harris of Russell, Jones, Leftwich, Martin of Conecuh, Martin of Tuscaloosa, Royal, Snodgrass and Walton—16.

Those who voted in the negative are—

Messrs. Cobb, Coleman, Cunningham, Driesbach, Edwards, Grayson, Hamilton, Harris of Lee, Inzer, Little, Moore, Parks and Terrell—13.

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SATURDAY, January 23, 1875.

The Senate met pursuant to adjournment.

Mr. Cobb announced that the President was necessarily absent, and moved that Mr. Carmichael be called to the chair.

The motion prevailed.

Prayer by Rev. Dr. Stringfellow.

Present : Messrs. Black, Carmichael, Cobb, Coleman, Cunningham, Curtis, Dereen, Driesbach, Farden, Golson, Grayson, Green, Hamilton, Harris of Lee, Harris of Russell, Inzer, Leftwich, Little, Martin of Conecuh, Martin of Tuscaloosa, Moore, Parks, Snodgrass and Walton—24.

The journal of yesterday was read and approved.

Indefinite leave of absence was granted Mr. Glass, on account of sickness, and to Mr. Royal for one day.

Mr. Cobb offered the following resolution, by unanimous leave, which was adopted :

Resolved, That the Senate do now proceed to the election of a President pro tempore.

Mr. Cobb placed in nomination for the office of President pro tempore, the name of Mr. Martin of Tuscaloosa.

No other nominations being made, the Senate proceeded to vote.

Those who voted for Mr. Martin of Tuscaloosa, are—

Messrs. Black, Carmichael, Cobb, Coleman, Cunningham, Curtis, Dereen, Driesbach, Edwards, Farden, Golson, Grayson, Green, Hamilton, Harris of Lee, Harris of Russell, Inzer, Jones, Leftwich, Little, Martin of Conecuh, Moore, Parks, Snodgrass, Terrell and Walton—26.

The presiding officer (Mr. Carmichael in the chair), announced that Mr. Martin of Tuscaloosa, having received a majority of the whole vote cast for President pro tempore, was declared duly elected to that office, and appointed Messrs. Hamilton and Harris of Russell a committee to notify him of his election and conduct him to the chair.

The committee having performed that duty, Mr. Martin assumed his appropriate duties as President pro tempore.

On motion of Mr. Curtis, the Secretary was instructed to notify the House of the election forthwith.

### CALL OF THE DISTRICTS.

Bills were introduced:

By Mr. Snodgrass—

S. B. 418. To amend section 1239 of the Revised Code.

Also, with petition—

S. B. 419. To authorize J. W. Newman, administrator of J. P. Newman, deceased, of DeKalb county, to sell the real estate of his decedent, at private sale, without the usual proceedings in the court of probate.

By Mr. Martin of Tuscaloosa—

S. B. 420. To authorize the commissioners court of Hale county to order the payment of court costs and fees in certain cases, from the general fund of the county ;

Which were severally read the first and second times, under a suspension of the constitutional rule, and referred to the Judiciary Committee.

By Mr. Snodgrass—

S. B. 421. To repeal an act to prohibit the sale, giving away, or otherwise disposing of spirituous, vinous, or malt liquors within one mile of the Methodist church in the town of Larkinsville, in the county of Jackson ;

Which was read the first and second times, under a suspension of the constitutional rule, and referred to the committee on Temperance.

The hour of 11 o'clock having arrived, the special order for that hour was taken up, which was the bill—

S. B. 269. To define the duties of county solicitors ;

The bill was read the third time.

Mr. Farden moved to postpone the further consideration of the bill, till the call of the districts be completed.

Lost.

The bill passed. Yeas 14, nays 11.

Those who voted in the affirmative are—

Messrs. Cobb, Coleman, Cunningham, Driesbach, Edwards,

Grayson, Hamilton, Harris of Lee, Inzer, Little, Martin of Conecuh, Moore, Parks and Walton—14.

Those who voted in the negative are—

Messrs. Black, Carmichael, Curtis, Dereen, Farden, Green, Harris of Russell, Jones, Leftwich, Martin of Tuscaloosa and Snodgrass—11.

The bill was ordered forthwith to the House.

#### MESSAGE FROM THE HOUSE

By Mr. Whitman :

HOUSE OF REPRESENTATIVES,  
January 23, 1875.

Mr. President :

The House has passed the following Senate bills :

S. B. 356. To amend an act entitled “an act for the relief of Nellie Croney of Colbert county.”

S. B. 79. To provide for a change of venue in certain cases.

S. B. 398. To repeal an act to amend section 689 of the Revised Code, and re-enact said section.

S. B. 401. To repeal an act to amend sections 2 and 4 of the charter of the city of Greenville.

S. B. 400. To transfer the powers and jurisdiction of the criminal court of Butler county, Alabama, together with all the records, books and papers belonging thereto, to the circuit court of Butler county, Alabama.

S. B. 364. To authorize Amos Ryan, a cripple, of the county of DeKalb, to peddle in said county without license.

And has passed the following Senate bills (unengrossed):

S. B. 323. To remove the guardianship of the person and property of Christian Sorder (non compos mentis) from the probate court of Tuscaloosa county, to the probate court of Mobile county.

S. B. 325. To prevent the sale or barter of spirituous or intoxicating liquors within one mile of the Methodist Episcopal Church in Autaugaville, Autauga county, Alabama.

And has adopted the Senate bill—

S. B. 417½. Joint Memorial to the Congress of the United States in relation to the navigation of the Warrior river.

The House has originated and passed the following bill:

H. B. 376. To prohibit the sale of spirituous or intoxicating liquors within three miles of Round Island Baptist Church in Limestone county, and ordered forthwith to the Senate.

ELLIS PHELAN,  
Clerk.

The call of the districts was resumed.

Bills were introduced :

By Mr. Inzer—

S. B. 422. To prohibit the selling or giving away of vinous or spirituous liquors within three miles of Liberty Hill Baptist Church, and Fairview Methodist Church in Walker county ;

Which was read the first, second and third times, under a suspension of the constitutional rule, and passed.

By Mr. Martin of Tuscaloosa—

S. B. 423. For the relief of James E. Webb of Hale county ;

Which was read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Finance.

By Mr. Harris of Lee—

S. B. 424. To facilitate the sale of real estate in Alabama, and to encourage immigration thereto ;

Which was read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Internal Improvements ;

Also,

S. B. 425. For the relief of Joseph S. Hair of Lee county ;

Which was read the first and second times, under a suspension of the constitutional rule.

Mr. Farden moved to amend by adding the following words :

“ Provided further, That the exemptions contained in this act shall extend to all one armed men in this State, so far as the tax on their professions is concerned.

Pending the consideration of the amendment, the hour of twelve o'clock having arrived, the Senate proceeded to the consideration of the

#### SPECIAL ORDERS.

The House bill—

H. B. 23. To amend and enlarge section 720 of the Revised Code, providing for the appointment and removal of registers in chancery, so that the same shall more fully conform to the provisions of article vi., section 15 of the constitution of Alabama ;

Was taken up, the question being the motion of Mr. Haralson, to indefinitely postpone the bill.

Pending the consideration of the motion, a message was received from the Governor by his Private Secretary.

STATE OF ALABAMA,  
EXECUTIVE DEPARTMENT,  
MONTGOMERY, ALA., Jan. 23, 1875.

Mr. President :

I am directed by the Governor to inform the Senate that he has approved the following bills, which originated in and passed the Senate.

S. B. 293. An act to punish county superintendents of education for embezzlement.

S. B. 168. An act to amend section 2376 of the Revised Code of Alabama, so as to make it apply to contracts for tuition, of children.

S. B. 229½. An act to authorize the cession to the United States of the title of this State to submarine sites for light-houses and other aids to navigation, within the limits of Alabama.

S. B. 301. An act to prevent any person from camping within one hundred yards of any church within one-half mile of Fredonia, Chambers county, Alabama.

S. B. 190. An act for the relief of justices of the peace in the county of Dale.

S. B. 313. An act to retransfer the records of the civil causes, decided by the city court of Mobile, from the circuit court to the city court of Mobile.

S. B. 266. An act to repeal section 13 of an act entitled "an act for the government of the bureau of industrial resources," approved August 10, 1868.

Also, the following joint resolution :

S. B. 302. Joint resolution to pay James Hale of Montgomery county, for work done on Senate chamber.

Very respectfully,  
L. R. DAVIS,  
Private Secretary.

On motion of Mr. Parks, at 2 o'clock, the Senate adjourned till quarter past ten o'clock, a. m., on Monday.

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MONDAY, January 25th, 1875.

The Senate met pursuant to adjournment.

Prayer by Rev. Dr. Andrews.

Present :

Messrs. Black, Carmichael, Coleman, Cooper, Cunningham, Curtis, Dereen, Driesbach, Edwards, Haralson, Harris of Russell, Inzer, Leftwich, Little, Martin of Tuscaloosa, Moore, Robinson, Royal, Snodgrass, Terrell and Wilton—21.

The journal of Saturday was read and approved.

This being the hour set for the joint committee on redistricting the State, to report on the bill—

S. B. 382. To divide the State into eight congressional districts ;

Mr. Martin of Tuscaloosa, asked to be allowed till to-morrow to make the report, and asked that the report be made the special order, immediately after the reading of the journal.

The request was granted.

Mr. Hamilton, from the Committee on Federal Relations, asked that the report on the joint resolution on Louisiana affairs, which was the special order for this hour, be made the Special order for Wednesday, immediately after the reading of the journal.

The request was granted.

Mr. Inzer requested that the Finance Committee be instructed to return to the Senate the bill—

S. B. 376. To prohibit the Governor of the State, or any one else, from employing counsel, or retaining or securing the services of an attorney or solicitor at an amount greater than one thousand dollars, in behalf of the State, except by and with the consent of the Senate.

The bill was returned and re-committed to the Judiciary Committee.

#### CALL OF THE DISTRICTS.

Bills were introduced.

By Mr. Haralson—

S. B. 426. To create a lieu in favor of marble and stone workmen.

By Mr. Dereen—

S. B. 427. To regulate appeals to the supreme court, in actions of ejectment as established at common law, or by writ, in the nature of an action of ejectment as provided by the Revised Code.

By Mr. Moore—

S. B. 428. To prevent trespasses.

Also,

S. B. 429. To provide for the suspension of officers under indictment, and to fill the vacancies caused by such suspension.

By Mr. Cooper—

S. B. 430. Authorizing the board of Mayor and Aldermen of the town of Gadsden, to lay off and define the corporate limits of said town, and to divide the same into five wards prescribing the limits of each, and defining the number of Aldermen for each ward, and for other purposes therein expressed ;

Which were severally read the first and second times, under a suspension of the constitutional rule, and referred to the Judiciary Committee.

By Mr. Haralson—

S. B. 431. To exempt overseers of public roads from jury duty ;

Which was read the first, second and third times, under a suspension of the constitutional rule, and referred to the Committee on Internal Improvements.

By Mr. Curtis—

S. B. 432. To protect the citizens of the United States, within the State of Alabama, in their civil rights ;

Which was read the first and second times, under a suspension of the constitutional rule.

Mr. Coleman moved to lay the bill on the table.

Lost. Yeas 12—nays 16.

Those who voted in the affirmative are—

Messrs. Cobb, Coleman, Driesbach, Edwards, Grayson, Little, Martin of Tuscaloosa, Moore, Parks, Robinson, Snodgrass and Walton—12.

Those who voted in the negative are—

Messrs. Black, Carmichael, Cooper, Cunningham, Curtis, Dereen, Farden, Green, Hamilton, Haralson, Harris of Russell, Inzer, Jones, Leftwich, Royal and Terrell—16.

The bill was referred to the Committee on Privileges and Elections.

By Mr. Royal—

S. B. 433. For the relief of Solomon McCall, late tax collector of Bullock county.

By Mr. Little—

S. B. 434. For the relief of A. G. Horn, of Meridian, Miss.

By Mr. Hamilton—

S. B. 435. To amend section 957 of the Revised Code ;

Which were severally read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Finance.

By Mr. Little—

S. B. 436. To prohibit the sale of vinous and spirituous liquors at Cuba Station, Sumpter county, except upon the

recommendation of a majority of the house-holders living in three miles of said place;

Which was read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Temperance.

Mr. Little, by unanimous consent, offered the following resolution, which was referred to the Judiciary Committee :

WHEREAS, in the present embarrassed condition of this State, it is the duty of the General Assembly to abolish every unnecessary office, and curtail expenses in every way practicable, therefore,

Be it resolved by the Senate, That the Judiciary Committee be required to ascertain the practicability of reducing the number of judicial circuits and chancery divisions, and report the same by bill or otherwise.

By Mr. Dereen—

S. B. 437. To amend section 3618 of the Revised Code ;

Which was read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Revision of Laws.

By Mr. Hamilton—

S. B. 438. To repeal the second section of an act to repeal sections 2534, 2536, 2571, and 3323 of the Revised Code of Alabama, to permit a certain suit now pending against the State to be prosecuted to a decree ;

Which was read the first, second and third times, under a suspension of the constitution rule, and lost.

On motion of Mr. Cobb, the vote by which the Senate refused to pass the bill was reconsidered.

The bill passed, and was ordered forthwith to the House.

By Mr. Hamilton—

S. B. 439. To detach the chancery district, composed of the county of Shelby, from the middle chancery division, and attach it to the eastern chancery division.

By Mr. Martin of Conecuh—

S. B. 440. To amend section two of an act to regulate the chancery courts of the fifth district of the southern chancery division of the State of Alabama, approved December 16th, 1871.

By Mr. Coleman—

S. B. 441. For the relief of the heirs and devisees of John Nelson, deceased.

By Mr. Moore—

S. B. 442. To repeal sections one and two of an act to create the eleventh chancery district of the northern chancery division, approved December 19th, 1873.



By Mr. Coleman—

S. B. 443. To prohibit the sale, giving away, or otherwise disposing of spirituous, vinous or intoxicating liquors, within three miles of Harmony church, Limestone county.

By Mr. Farden—

S. B. 444. To empower the Montgomery Female Institute in the city of Montgomery, to issue diplomas.

By Mr. Martin of Tuscaloosa—

S. B. 445. To authorize and require the Secretary of State to deliver to Wm. E. Smith, of Tuscaloosa county, the one hundred copies each of volumes one and two of Smith's Condensed Alabama Reports, which were delivered to the State department by mistake.

Also,

S. B. 447. To repeal an act to regulate legal and other notices in the county of Sanford, approved March 9th, 1871 ;

Which were severally read the first, second and third times, under a suspension of the constitutional rule, and passed, and ordered to the House forthwith.

By Mr. Farden—

S. B. 448. For the relief of J. M. Quinby, of Montgomery county ;

Which was read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Privileges and Elections.

Also,

S. B. 449. To amend the charter of the Alabama Insurance Company ;

Which was read the first and second times, under a suspension of the constitutional rule, and referred to a special committee composed of Messrs. Farden, Parks, Carmichael, Martin of Conecuh and Black.

Mr. Robinson, by unanimous consent, offered the following resolution :

Resolved by the Senate, That the joint committee of this General Assembly, to which was referred the joint resolutions which originated in the Senate, providing for the calling of a convention to change the constitution, be authorized and requested to report their action on said joint resolution, to the Senate, on next Friday, after the reading of the journal.

Mr. Farden moved to amend, by making the time for the report on next Monday.

On motion of Mr. Terrell, the motion was tabled.

The resolution was adopted.

## MESSAGE FROM THE HOUSE

By Mr. Garrett—

HOUSE OF REPRESENTATIVES,  
January 25, 1875,

Mr. President :

The House has originated and passed the following bills :

H. B. 379. To require all persons holding claims or warrants on the treasury of Winston county, to have the same registered.

H. B. 375. To prohibit the sale, or giving away, of vinous or spirituous liquors within one and a half miles of Macedonia, Forrester's chapel and Mount Zion churches ; and, also, within two miles of Mount Morris church, all in Randolph county.

H. B. 380. To reduce the per diem of the county commissioners of Winston county, and to authorize the commissioners court to levy a special tax to pay off the commissioners court, and to purchase blank records and stationery for the use of said county.

H. B. 381. To make Shrove Tuesday, or the day commonly known as Mardi Gras, a legal holiday in the cities and counties of Mobile and Montgomery.

H. B. 378. To require the county treasurer of Winston county to pay off all claims against said county according to the order in which they are filed and registered.

H. B. 377. To authorize the court of county commissioners of Tuscaloosa county to issue bonds to pay claims against the county.

ELLIS PHELAN,  
Clerk.

## MESSAGE FROM THE GOVERNOR

By his Private Secretary.

EXECUTIVE DEPARTMENT,  
STATE OF ALABAMA,  
MONTGOMERY, January 25, 1875.

Mr. President :

The Governor has approved the following bill, which originated in the Senate—

An act,

S. B. 232. To authorize the State of Alabama to bring civil suits for the operation of its rights in all cases growing

out of the issue or endorsement of bonds in the name of the State, in aid of any railroad company.

Very respectfully,  
L. R. DAVIS,  
Private Sec'ry.

### ENROLLED BILLS.

Mr. Dereen, from the Committee on Enrolled Bills, reported the following correctly enrolled :

S. B. 356. An act to amend an act entitled, an act for the relief of Nellie Croney, of Colbert county.

S. B. 401. An act to repeal an act to amend sections two and four of the charter of the city of Greenville.

S. B. 364. An act to authorize Amos Ryan, a cripple, of the county of DeKalb, to peddle in said county without license.

S. B. 398. An act to repeal an act to amend section 689 of the Revised Code, and re-enact said section.

S. B. 325. An act to prevent the sale or barter of spirituous, malt, or other intoxicating liquors, within one mile of the Methodist Episcopal church in Autaugaville, Autauga county, Alabama.

S. B. 323. An act to remove the guardianship of the person and estate of Christopher Serder, non compos mentis, from the probate court of Tuscaloosa county to the probate court of Mobile county.

The hour of 12 o'clock having arrived, the Senate proceeded to the consideration of the

### SPECIAL ORDERS.

The House bill was taken up—

H. B. 23. To amend and enlarge section 720 of the Revised Code, providing for the appointment and removal of registers in chancery, so that the same may more fully conform to the provisions of Article VI, Section 15, of the Constitution of Alabama.

The question being on the motion of Mr. Haralson to indefinitely postpone the bill, it was lost. Yeas 13, nays 15.

Those who voted in the affirmative are—

Messrs. Black, Cobb, Cooper, Curtis, Dereen, Farden, Green, Haralson, Harris of Russell, Inzer, Jones, Leftwich and Royal—13.

Those who voted in negative are—

Messrs. Carmichael, Coleman, Cunningham, Driesbach,

Grayson, Hamilton, Little, Martin of Conecuh, Martin of Tuscaloosa, Moore, Parks, Robinson, Snodgrass, Terrell and Walton—15.

Mr. Haralson moved to-recommit the bill to the Judiciary Committee.

On motion of Mr. Little, the motion was tabled.

Mr. Black moved to recommit to a special committee.

On motion of Mr. Coleman, the motion was tabled. Yeas 14, nays 11.

Those who voted in the affirmative are—

Messrs. Carmichael, Coleman, Cunningham, Driesbach, Grayson, Hamilton, Little, Martin of Conecuh, Martin of Tuscaloosa, Moore, Parks, Robinson, Snodgrass, and Walton—14.

Those who voted in the negative are—

Messrs. Black, Cobb, Cooper, Curtis, Dereen, Farden, Green, Haralson, Jones, Leftwich and Royal—11.

The bill passed. Yeas 14, nays 12.

Those who voted in the affirmative are—

Messrs. Carmichael, Coleman, Cunningham, Driesbach, Grayson, Hamilton, Little, Martin of Conecuh, Martin of Tuscaloosa, Moore, Parks, Robinson, Snodgrass and Walton—14.

Those who voted in the negative are—

Messrs. Black, Cobb, Cooper, Curtis, Dereen, Farden, Green, Haralson, Harris of Russell, Jones, Leftwich and Royal—12.

Mr. Black moved to amend the title, by striking out all after the word “conform,” and inserting “to the wishes of a Mobile office seeker.”

On motion of Mr. Coleman, the amendment was tabled.

Mr. Carmichael, by leave, made a report from the special committee on rules for the Senate, laying before the Senate the rules, as revised and printed, under the direction of the committee.

On motion of Mr. Robinson, the report was received, and the committee discharged.

The next special order was taken up, which was the bill—

S. B. 158. To declare the terms on which foreign corporations organized for mining or manufacturing purposes, may carry on their business, and purchase, hold and convey real and personal property in this State.

Mr. Hamilton moved to amend by striking out the words “become incorporated in this State, and may,” and inserting the words “in their corporate capacity,” in the fifth line of the first section.

The amendment was adopted.

Mr. Hamilton moved to insert after the word "desiring," in the third line of section two, the words "as such corporation."

The amendment was adopted.

Mr. Hamilton moved to substitute the words "recognized as," for the words "deemed and taken to be," after the words "shall be," in the first line of section three.

The amendment was adopted.

On motion of Mr. Hamilton, the words "into the treasury of this State," in the nineteenth line of the seventh section was stricken out, and the words "to said corporation, or its legal assignees," inserted.

Mr. Inzer moved to amend by striking out of the second line of the seventh section, the words "one year," and inserting the words "two years."

Mr. Little moved to amend the amendment by making the time "eighteen months."

The amendment to the amendment was adopted.

Mr. Farden moved to strike out the word "twelve," in the sixth line of section seven, and insert "eighteen."

On motion of Mr. Cobb, the amendment was tabled.

Mr. Parks moved to amend by striking out all of the fifth section after the words "taxation," where it is last used, in the seventh line.

Pending the consideration of the motion,

Mr. Black moved to adjourn ;

Lost.

Mr. Martin of Tuscaloosa, moved to suspend the further consideration of the business before the Senate, to allow him to make a report from a select committee ;

Lost.

On motion of Mr. Black, at a quarter before three o'clock, p. m., the Senate adjourned till quarter past ten o'clock tomorrow morning.

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TUESDAY, Jan. 26, 1875.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Andrews.

Present—

Messrs. Black, Carmichael, Coleman, Cooper, Cunningham, Curtis, Dereen, Driesbach, Edwards, Grayson, Green, Hamilton, Haralson, Harris of Lee, Harris of Russell, Inzer, Jones, Leftwich, Little, Martin of Conecuh, Martin of Tuscaloosa,

Moore, Parks, Robinson, Royal, Snodgrass, Terrell and Walton—28.

The journal of yesterday was read and approved.

Mr. Hamilton moved to suspend the order of business to take up a House bill.

The Senate refused to suspend.

Mr. Martin of Tuscaloosa, from the Joint Committee on Redistricting the State, reported favorably, with amendments to the bill—

S. B. 382. To divide the State into eight congressional districts.

On motion of Mr. Martin of Tuscaloosa, the further consideration of the bill was postponed till Friday, 12 o'clock, m., and made the special order for that hour, and 150 copies ordered printed.

Mr. Terrell moved a suspension of the regular order of business to take up House messages.

The Senate refused to suspend.

#### CALL OF THE DISTRICTS.

Bills were introduced :

By Mr. Edwards—

S. B. 450. To extend and enlarge the duties of the trustees of Mulberry College, Blount county ;

Which were read the first, second and third times, under a suspension of the constitutional rule, and passed, and ordered forthwith to the House ;

Also,

S. B. 461. For the relief of Wash Patterson of the county, of Morgan ;

Which was read the first and second times, under a suspension of the constitutional rule.

Mr. Martin of Tuscaloosa, moved to refer the bill to the Judiciary Committee.

Pending the consideration of the motion, the hour of 11 o'clock having arrived, the Senate proceeded to the consideration of the

#### SPECIAL ORDERS.

Which was the bill—

S. B. 229. To execute the power of disposal of the lands granted by an act of Congress, entitled "an act granting public lands in alternate sections to the State of Alabama, to aid in the construction of certain railroads in said State." approved June 3, 1856, which power of disposal is conferred upon the Legislature of Alabama, by said act of Congress.

The question being the motion of Mr. Martin of Tuscaloosa, to indefinitely postpone the bill—

Mr. Moore moved to suspend the consideration of the special order, to finish the consideration of the bill—

S. B. 451. For the relief of Wash Patterson of the county of Morgan.

The Senate refused to suspend.

Pending the consideration of the special order.

A message was received from the House.

#### MESSAGE FROM THE HOUSE.

#### HOUSE OF REPRESENTATIVES,

January 26, 1875.

Mr. President :

The House has passed the Senate bill—

S. B. 137. To repeal an act to empower the commissioners' court of the county of Dallas to issue bonds, and for other purposes.

And has originated and passed the following bills :

H. B. 422. To allow pilots the same pay for carrying a vessel out that they are for bringing one in.

H. B. 408. To amend sections 23 and 26 of an act to regulate elections in the State of Alabama, approved April 22, 1873, as to the counties of Walker, DeKalb, Marshall, Jefferson, Tallapoosa, Coosa, Sumter, Winston, Chambers, Lee, Elmore, Monroe, Choctaw, Lauderdale, Covington, Cleburne, Baldwin and Limestone.

H. B. 319. For the relief of M. N. Killibrew and son of the county of Dale.

H. B. 337. To establish boards of health in the State of Alabama.

H. B. 57. To establish revenue laws for the State of Alabama.

And has ordered the last named bill to be sent to the Senate without engrossment.

ELLIS PHELAN,  
Clerk.

Mr. Martin of Tuscaloosa, moved to suspend the further consideration of the bill till-to-morrow 12 o'clock, m.

The Senate refused to postpone.

On motion of Mr. Dereen, the vote was reconsidered, and the bill was postponed, and made the special order for to-morrow at 12 o'clock, m.

On motion of Mr. Terrell, the business before the Senate,

which was the consideration of the special orders, was postponed to take up the House bill—

H. B. 57. To establish revenue laws for the State of Alabama ;

Which was read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Finance.

On motion of Mr. Cobb, the business before the Senate was further suspended, to finish the call of the districts.

#### MESSAGE FROM THE HOUSE.

HOUSE OF REPRESENTATIVES,  
January 26, 1875.

Mr. President :

The House has passed the Senate bill—

S. B. 416. To change the boundary line between the counties of Colbert and Franklin.

ELLIS PHELAN,  
Clerk.

#### ENROLLED BILLS.

Mr. Grayson, from the Committee on Enrolled Bills, reported the following correct :

S. B. 137. An act to repeal an act entitled, an act to empower the commissioners court of the county of Dallas to issue bonds and for other purposes.

S. B. 139. An act to repeal an act entitled, an act to amend section one of an act entitled an act to empower the Governor to appoint notaries public, so far as it relates to or affects Barbour county.

Mr. Dereen, from same committee, reported the following as correct :

S. B. 400. An act to transfer the powers and jurisdiction of the criminal court of Butler county, Alabama, together with all the records, books and papers belonging thereto, to the circuit court of Butler county, Alabama.

S. B. 79. An act to provide for a change of venue in certain cases.

#### CALL OF THE DISTRICTS.

Mr. Edwards presented a

S. R. 451½. Joint memorial of the General Assembly of Alabama, requesting the Congress of the United States to pass a law authorizing parties who have erroneously made



entries and settlements under the provisions of the homestead laws, by permission of the local land officers at Huntsville, on lands in the odd numbered sections, within the limits of railroad grants in Alabama, to enter a like amount of lands in the even numbered sections, without being required to move upon said land, or the payment of any additional fees, and to refund to the said settlers the fees already paid ;

Which was read and referred to the Committee on Federal Relations.

Bills were introduced :

By Mr. Grayson—

S. B. 452. To establish a revised charter for the city of Huntsville ;

Which was read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Municipal and County Organizations.

Also,

S. B. 453. To amend section one of an act to secure justices of the peace and notaries public in their fees in certain cases, approved December 16, 1871 ;

Which was read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Revision of Laws.

By Mr. Snodgrass—

S. B. 454. To incorporate the Grand and Subordinate Councils of the United Friends of Temperance of Alabama ;

Which was read the first and second times, under a suspension of the constitutional rule, and referred to the Judiciary Committee.

Also,

S. B. 455. To amend section one of an act amendatory of an act to incorporate the town of Scottsboro, in the county of Jackson ;

Which was read the first, second and third times, under a suspension of the constitutional rule, and passed.

By Mr. Inzer—

S. B. 456. To amend the election laws and prescribe the mode of registration ;

Which was read the first and second times, under a suspension of the constitutional rule.

Mr. Haralson moved to amend by striking out the word “precincts,” and inserting the word “county,” wherever it occurs in the bill.

On motion of Mr. Robinson, the bill was referred to the Committee on Privileges and Elections, with instructions to

report next Monday, immediately after reading the journal.

Mr. Farden moved to adjourn.

Lost, Yeas 8, nays 20.

Those who voted in the affirmative are —

Messrs. Black, Curtis, Farden, Golson, Green, Haralson, Jones and Royal—8.

Those who voted in the negative are—

Messrs. Carmichael, Cobb, Coleman, Cunningham, Driesbach, Edwards, Grayson, Hamilton Harris of Lee, Harris of Russell, Inzer, Leftwich, Little, Martin of Conecuh, Martin of Tuscaloosa, Moore, Parks, Robinson, Snodgrass and Walton—20.

By Mr. Inzer—

S. B. 457. To regulate the election of municipal officers is the city of Montgomery ;

Which was read once.

Mr. Cobb moved to order the bill to a second reading, and make it the special order for Thursday, at 11 o'clock, a. m.

On this motion, Mr. Farden proceeded to discuss the merits of the bill.

Mr. Robinson made a point of order, that the merits of the bill could not be discussed on a motion to order to a second reading.

The presiding officer (Mr. Carmichael in the chair) sustained the point of order.

Mr. Farden appealed from the decision.

The question being, shall the decision of the chair be sustained? and the yeas and nays being demanded, it was decided in the affirmative. Yeas 18, nays 6.

Those who voted in the affirmative are—

Messrs. Cobb, Coleman, Cooper, Cunningham, Driesbach, Edwards, Grayson, Hamilton, Harris of Lee, Harris of Russell, Inzer, Little, Martin of Conecuh, Martin of Tuscaloosa, Moore, Robinson, Snodgrass and Walton—18.

Those who voted in the negative are—

Messrs. Black, Farden, Green, Haralson, Jones and Royal—6.

Mr. Robinson moved to adjourn.

Lost. Yeas 11, nays 17.

Those who voted in the affirmative are—

Messrs. Carmichael, Curtis, Farden, Grayson, Haralson, Jones, Leftwich, Martin of Conecuh, Robinson, Royal and Snodgrass—11.

Those who voted in the negative are—

Messrs. Black, Cobb, Coleman, Cooper, Cunningham, Driesbach, Edwards, Green, Hamilton, Harris of Lee, Harris of

Russell, Inzer, Little, Martin of Tuscaloosa, Moore, Parks and Walton—17.

Mr. Farden moved the indefinite postponement of the bill.

Lost. Yeas 7, nays 19.

Those who voted in the affirmative are—

Messrs. Black, Curtis, Farden, Haralson, Harris of Russell, Jones and Leftwich—7.

Those who voted in the negative are—

Messrs. Carmichael, Cobb, Coleman, Cooper, Cunningham, Driesbach, Edwards, Grayson, Hamilton, Harris of Lee, Inzer, Little, Martin of Conecuh, Martin of Tuscaloosa, Moore, Parks, Robinson, Snodgrass and Walton—19.

Mr. Leftwich moved to adjourn.

Lost.

Mr. Black moved to make the bill the special order for Monday instead of to-morrow.

On motion of Mr. Cobb, the motion was tabled.

Yeas 20, nays 8.

Those who voted in the affirmative are—

Messrs. Carmichael, Cobb, Coleman, Cooper, Cunningham, Driesbach, Edwards, Grayson, Hamilton, Harris of Lee, Harris of Russell, Inzer, Little, Martin of Conecuh, Martin of Tuscaloosa, Moore, Parks, Robinson, Snodgrass and Walton—20.

Those who voted in the negative are—

Messrs. Black, Curtis, Farden, Green, Haralson, Jones, Leftwich and Royal—8.

Mr. Haralson moved to table the bill.

Lost.

Mr. Haralson moved to adjourn.

Lost.

The bill was ordered to a second reading, and made the special order for Thursday, 11 o'clock, a. m.

Mr. Martin of Tuscaloosa, introduced a bill—

S. B. 457½. To appropriate the proceeds from the sales of swamp and overflowed lands, granted by Congress to Alabama, for the purpose of furnishing additional accommodations for the indigent insane and idiotic persons, residents of this State ;

Which was read the first and second times, under a suspension of the constitutional rule, and referred to a special committee composed of Messrs. Hamilton, Cunningham, Snodgrass, Dereen, Walton, Curtis and Royal.

Mr. Coleman moved to suspend the order of business to

allow him to take out of the general orders the immigration bill, and make it a special order.

Lost.

Mr. Little moved to adjourn.

Lost.

Mr. Cooper moved to suspend, to take up the House bill in reference to making Shrove Tuesday a holiday.

Lost.

On motion of Mr. Farden, at quarter past 3 o'clock the Senate adjourned till quarter past 10 o'clock to-morrow morning.

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WEDNESDAY, January 27, 1875.

The Senate met pursuant to adjournment.

Prayer by Rev. Dr. Andrews.

Present—

Messrs. Black, Carmichael, Cobb, Coleman, Cooper, Cunningham, Curtis, Dereen, Driesbach, Grayson, Green, Hamilton, Harris of Lee, Harris of Russell, Inzer, Jones, Leftwich, Little, Martin of Conecuh, Martin of Tuscaloosa, Moore, Parks, Robinson, Royal, Snodgrass, Terrell and Walton—27.

Mr. Cobb, from the Committee on Federal Relations, reported the following :

The protest of the General Assembly of Alabama, against the recent interference by the military officers of the United States, in the proceedings of the House of Representatives of the State of Louisiana.

The General Assembly of the State of Alabama, has learned, with deep concern, that on the fourth day of January, in this year, 1875, the House of Representatives of the State of Louisiana, was disturbed while in session, in the capital of that State, as a part of its Legislature, by the entrance into its Hall of armed men, in the uniform of the army, and commanded by military officers of the United States ; that these soldiers, so commanded, ejected from the Hall, certain citizens of Louisiana, then and there present as members of that House of Representatives, and while engaged in the performance of their public duty as Representatives of the people of that State ; that this expulsion was made upon the assertion of the acting Governor of that State, that the men so expelled, were not legally entitled to sit as members of the House of Representatives of the State of Louisiana ; that this proceeding has been approved, and is adopted by the officers of the United States, is command

of that military department, and has not been disapproved by the President of the United States.

This Generally Assembly cordially recognizes the authority of the Government of the United States, in all its branches, in all matters of national importance, and which are confided to it by the constitution of the United States. This General Assembly recognizes the fact, that by authority, as high as that which ordained that constitution, and in recognition of which that same constitution was formed, a large part of the powers and duties for which a government is established, is to be exercised by, the States, through their own organs of State Government. To perform the duties so confided to the States, their governments in their several departments, must be free from all dictation by any other power, and should be protected against the use of external force, in the discharge of these duties. This is a principle fundamental to American institutions, and as to legislative bodies is expressed in the formula, incorporated into the constitution of the United States, that "each house shall be the judge of the election, returns and qualifications of its own members. "Every legislative body must, of necessity, be free from external dictation as to its membership, and, as to the laws it shall enact ; otherwise, it is the mere register of the will of some other power, and not a law-making body.

This General Assembly can discern in the expulsion on the fourth of January, 1875, from the House of Representatives of the State of Louisiana, of certain of its members, by an armed force of the United States' soldiers, nothing short of a plain violation of a right of necessity belonging to, and in the nature of the case, inherent in, each of these United States, as a community, charged with the duty of local self-government ; an offense against the people of the United States, and against each of the States, which form the American Union.

This General Assembly does hereby declare, that the good people of this State are, and have been, since the recognition of Alabama as a readmitted State, loyal to the Union of these States, and the constitution and laws thereof.

With this honest expression of loyalty to the Union, and with an earnest desire that its government may, by all proper means, "form a more perfect Union, establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves, and our posterity, " this General Assembly, actuated alone by principles of patriotism, and the love of liberty regulated by wise lays,

## DOTH SOLEMNLY AND EARNESTLY PROTEST

Against the course which has been pursued toward the State of Louisiana by the military authorities of the United States. Such course has no justification in any of the powers granted for the grand objects and purposes for which the constitution declares the Government of the United States to be established. It is utterly subversive of the right of local self-government by the States of this Union, and is, in fact, the destruction of the liberties of the people of the several States.

Resolved, by the General Assembly of Alabama, That the Governor of this State be requested to furnish a copy of this protest to the Governors of each of the United States, and to the Senators and Representatives from Alabama in the Congress of the United States.

Mr. Black moved that the protest and resolution be printed, and made the special order for Tuesday at 12 o'clock, m.

On motion of Mr. Inzer, the motion was tabled.

Mr. Farden moved to postpone till Monday next.

On motion of Mr. Parks, the motion was tabled—yeas 24, nays 3.

Those who voted in the affirmative are—

Messrs Carmichael, Cobb, Coleman, Cooper, Cunningham, Curtis, Dereen, Driesbach, Edwards, Grayson, Hamilton, Harris of Lee, Harris of Russell, Inzer, Little, Martin of Conecuh, Martin of Tuscaloosa, Moore, Parks, Robinson, Royal, Snodgrass, Terrell and Walton—24.

Those who voted in the negative are—

Messrs. Black, Farden and Leftwich—3.

Mr. Black moved to adjourn ;

Lost—yeas 5, nays 21.

Those who voted in the affirmative are—

Messrs. Black, Dereen, Farden, Jones and Leftwich—5.

Those who voted in the negative are—

Messrs. Carmichael, Cobb, Coleman, Cunningham, Driesbach, Edwards, Grayson, Green, Hamilton, Harris of Lee, Harris of Russell, Inzer, Little, Martin of Conecuh, Martin of Tuscaloosa, Parks, Robinson, Royal, Snodgrass, Terrell and Walton—21.

The protest and resolution were adopted. Yeas 18—nays 8.

Those who voted in the affirmative are—

Messrs. Carmichael, Cobb, Coleman, Cunningham, Driesbach, Edwards, Grayson, Hamilton, Harris of Lee, Harris of Russell, Inzer, Little, Martin of Conecuh, Moore, Robinson, Snodgrass, Terrell and Walton—18.

Those who voted in the negative are—

Messrs. Black Curtis, Dereen, Farden, Green, Jones, Leftwich and Royal—8.

Mr. Cobb moved to suspend the business before the Senate to take up a resolution which had been laid on the table previous to the recess.

The Senate refused to suspend.

Indefinite leave of absence was granted Mr. Little, who had been summoned to Washington city.

Mr. Little, by unanimous leave, introduced a bill—

S. B. 458. To amend section five of an act to authorize the commissioners' court of Sumter county, to levy a tax not to exceed fifty per centum on the county tax of said county, to provide a sinking fund for said county, to pay the debt of said county, approved April 18th, 1873 ;

Which was read the first, second and third time, under a suspension of the constitutional rule, and passed.

#### MESSAGE FROM THE HOUSE,

By Mr. Whitman :

HOUSE OF REPRESENTATIVES,  
January 27, 1875.

Mr. President :

The House has passed the following Senate bills:

S. B. 399. To prohibit the sale, bartering or giving away of spirituous, vinous or malt liquors within 2½ miles of Mt. Pleasant Methodist Church and Little River Baptist Church, in Monroe county.

S. B. 410. To annex fractional township seven (7), range twelve (12), according to the Florida survey, to township one (1), range twenty-six, according to the Alabama survey.

S. B. 439. To detach the chancery district composed of the county of Shelby, from the middle chancery, division, and to attach it to the eastern chancery division.

S. B. 422. To prohibit the selling or giving away of vinous or spirituous liquors within three miles of Liberty Hill Baptist church, and Fairview Methodist church, in Walker county.

S. B. 442. To repeal sections one and two of an act to create the eleventh chancery district of the northern chancery division, approved December 17th, 1873.

S. B. 441. For the relief of the heirs and devisees of John Nelson, deceased.

S. B. 440. To amend section two of an act to regulate the chancery courts of the fifth district of the southern chancery

division of the State of Alabama, approved December 16th, 1871.

S. B. 444. To empower the Montgomery Female Institute, in the city of Montgomery, to issue diplomas,

S. B. 445. To authorize and require the Secretary of State to declare to William B. Smith of Tuscaloosa, one hundred copies of each of volumes one and two of Smith's Condensed Alabama Reports, which were delivered to the State Department by mistake.

And has adopted Senate joint resolution—

S. B. 348½. In relation to numbering and keeping a correct docket of all bills and joint resolutions which may be offered in each House of the General Assembly, and a list of all Committees appointed.

Also,

Senate joint resolution in relation to acts of the Board of Education.

The Committee on Education was appointed the Committee on the part of the House, under the resolution.

H. B. 422. To remove the administration of the estate of Samuel Strudwich, deceased, from the probate court of Hale county, to the probate court of Marengo county.

ELLIS PHELAN,  
Clerk.

#### MESSAGE FROM THE GOVERNOR

By his Private Secretary.

STATE OF ALABAMA,  
EXECUTIVE DEPARTMENT,  
Montgomery, Jan. 27, 1875.

Mr. President :

The Governor has approved the following bills which originated in the Senate :

S. B. 400. An act to transfer the powers and jurisdiction of the criminal court of Butler county, Alabama, together with all the records, books and papers belonging thereto, to the circuit court of Butler county, Alabama,

S. B. 364. An act to authorize Amos Ryan, a cripple, of the county of DeKalb, to peddle in said county without license.

S. B. 401. An act to repeal an act to amend sections two and four of the charter of the city of Greenville.



S. B. 325. An act prevent the sale or barter of spirituous, malt or other intoxicating liquors within one mile of the Methodist Episcopal Church in Autaugaville, Autauga county, Alabama.

S B. 323. An act to remove the Guardianship of the person and estate of Christopher Serder, non compos mentis, from the probate court of Tuskaloosa county to the probate court of Mobile county.

S. B. 79. An act to provide for a change of venue in certain cases.

S. B. 187. An act to repeal an act entitled an act to empower the commissioners' court of the county Dallas to issue bonds, and for other purposes.

S. B. 139. An act to repeal an act to amend an act entitled an act to empower the Governor to appoint notaries public, so far as it relates to or effects Barbour county.

S. B. 417½. Joint memorial of the General Assembly of Alabama to Congress to make appropriation for the opening of the Black Warrior river to navigation.

S. B. 398. An act to repeal an act to amend section 689 of the Revised Code, and re-enact said section.

Very respectfully,

L. R. DAVIS,  
Private Secretary.

On motion of Mr. Farden, the Senate adjourned at half past 3 o'clock, p. m., till quarter past 10 o'clock, a. m., tomorrow.

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THURSDAY, January 28, 1875.

The Senate met pursuant to adjournment.

Prayer by Rev. Dr. Andrews.

Present—

Messrs. Black, Carmichael, Cobb, Coleman, Cooper, Cunningham, Curtis, Dereen, Driesbach, Edwards, Golson, Grayson, Haralson, Harris of Lee, Harris of Russell, Inzer, Jones, Leftwich, Martin of Conecuh, Martin of Tuscaloosa, Moore, Parks, Robinson, Royal, Terrell and Walton—27.

The journal of yesterday was read and approved.

Messrs. Parks and Martin of Tuscaloosa, obtained leave to record their vote in favor of the protest and resolution adopted on yesterday relative to Louisiana affairs.

Mr. Coleman moved to suspend to make the immigration bill a special order.

The Senate refused to suspend.

Mr. Robinson moved to suspend to take from the table the resolution offered on the 6th of December, relative to limiting debate ; and the substitute therefor, offered on the 7th of December.

The motion prevailed.

The substitute reads as follows :

Resolved, That no Senator shall speak more than twice on any question under debate, and consume more than half an hour at each time, unless by leave of the Senate.

The substitute was adopted.

Mr. Coleman moved to amend by inserting after the word "leave," the words "of a majority."

The amendment was adopted.

Mr. Black moved to amend by inserting the words "on same day," after the word "Senator," in first line.

On motion of Mr. Carmichael, the motion was tabled.

The resolution was adopted. Yeas 21—nays 7.

Those who voted in the affirmative are—

Messrs. Carmichael, Cobb, Coleman, Cooper, Cunningham, Dereen, Driesbach, Edwards, Golson, Grayson, Harris of Lee, Harris of Russell, Inzer, Leftwich, Martin of Conecuh, Moore, Parks, Robinson, Snodgrass, Terrell and Walton—21.

Those who voted in the negative are—

Messrs. Black, Curtis, Farden, Haralson, Jones, Martin of Tuscaloosa, and Royal—7.

Mr. Coleman gave notice that he would move to reconsider the vote adopting the resolution.

The hour of eleven o'clock having arrived, the Senate proceeded to the consideration of the

#### SECIAL ORDER,

Which was the bill---

S. B. 457. To regulate the election of municipal officers in the city of Montgomery.

The bill was read the second time.

Mr. Farden moved that the bill be laid on the table, and that one hundred and fifty copies be printed ;

Lost.

The bill was referred to the Judiciary Committee.

#### CALL OF THE DISTRICTS.

Bills were introduced :

By Mr. Inzer—

S. B. 459. To authorize Eliza W. Earl, administratrix of the estate of Samuel M. Earl, to sell lands at private sale ;

Which was read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Local Legislation ;

Also,

S. B. 460. To amend section one of an act to provide for the funding of the domestic debt of this State, approved December 19, 1873 ;

Which was read the first and second times, under a suspension of the constitutional rule, and referred to the Finance Committee.

By Mr. Cobb—

S. B. 461. To authorize and direct the Treasurer of the State to pay the amount of a decree and the costs, rendered by the chancery court of Dallas county, against the fund in his office, arising from the sales of swamp and overflowed lands ;

Which was read the first and second times, under a suspension of the constitutional rule, and referred to a select committee, consisting of Messrs. Hamilton, Cunningham, Snodgrass, Dereen, Walton, Curtis and Royal ;

Also,

S. B. 462. To provide for a speedy determination of proceedings instituted to try the right, or hearing of the right, to a public office ;

Which was read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Revision of the Laws.

By Mr. Martin of Tuscaloosa—

S. B. 463. To pay fees in certain cases to the solicitor of Greene county out of the general fund of said county.

By Mr. Cobb—

S. B. 464. In relation to estates of minors who reside with their parents in other States ;

Which were severally read the first and second times, under a suspension of the constitutional rule, and referred to the Judiciary Committee.

#### MESSAGE FROM THE HOUSE,

By Mr. Whitman :

HOUSE OF REPRESENTATIVES,  
January 28, 1875.

Mr. President :

The House has originated and passed the following bills:

H. B. 444. To declare Pea river between Russell's and Winslow's bridges, in Coffee county, a lawful fence.

H. B. 440. To authorize the commissioners' courts of Clay, Dallas and Wilcox counties to provide a pauper fund for said counties.

H. B. 157. To authorize probate judges in the counties of Jackson, Clarke, Shelby, Randolph, Coosa, Russell, Winston, Fayette, Tallapoosa, Cleburne, Lowndes, Lawrence, Tuscaloosa, Monroe, Limestone, Marion, DeKalb, St. Clair, Calhoun, Sanford, Jefferson, Choctaw, Colbert, Franklin, Greene, Marshall, Baldwin, Cherokee, Clay, Lauderdale, and Chilton, to order elections in certain cases to prevent the sale, giving away, or other disposition of vinous or spirituous liquors within certain limits in such counties.

And has passed the following Senate bill :

S. B. 443. To prohibit the selling, or giving away, or otherwise disposing of vinous, spirituous or intoxicating liquors within three miles of Harmony Church, Limestone county.

ELLIS PHELAN,  
Clerk.

By Mr. Harris of Lee, with petition—

S. B. 465. To incorporate the town of Marshall in the counties of Lee and Russell ;

Which was read the first and second times, under a suspension of the constitutional rule.

Mr. Harris of Russell, moved to strike out all that relates to or affects the county of Russell.

The bill and amendment were referred to the Committee on Municipal and County Organizations.

By Mr. Robinson—

S. B. 466. To prevent the sale or otherwise disposing of vinous or spirituous liquors within two miles of the Male Academy, in Bluffton, in Chambers county ;

Which was read the first, second and third times, under a suspension of the constitutional rule, and passed.

By Mr. Robinson—

S. B. 467. To entitle the East Alabama and Cincinnati Railroad Company to surrender its endorsed bonds, &c.;

Which was read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Internal Improvements.

Mr. Terrell moved to suspend the business before the Senate, to allow him to offer a resolution ;

Lost.

By Mr. Harris of Russell, with petition—

S. B. 468. To compensate Edwin F. DeGraffenreid, M. D., of the State of Georgia, for services and attendance upon citizens of Russell county afflicted with small-pox ;

Which was read the first and second times, under a suspension of the constitutional rule.

Mr. Carmichael moved to make the provisions of the bill apply to Dr. Albritton, of the county of Crenshaw, for like services.

The bill and amendment were referred to the Committee on Municipal and County Organizations.

Mr. Haralson moved to suspend the business of the Senate to allow him to offer a resolution ;

Lost.

The hour of twelve o'clock having arrived, the

#### SPECIAL ORDER

Was taken up, which was the bill—

S. B. 158. To declare the terms on which foreign corporations, organized for mining or manufacturing purposes, may carry on their business, and purchase, hold and convey real and personal property in this State.

The question being on the adoption of the amendment offered by Mr. Parks, striking out the latter clause of section five.

The amendment was adopted—yeas 15, nays 11.

Those who voted in the affirmative are—

Messrs. Carmichael, Coleman, Cooper, Curtis, Edwards, Golson, Haralson, Harris of Lee, Harris of Russell, Leftwich, Moore, Parks, Royal, Snodgrass and Terrell—15.

Those who voted in the negative are—

Messrs. Black, Cobb, Cunningham, Dereen, Driesbach, Farden, Grayson, Hamilton, Martin of Conecuh, Martin of Tuscaloosa and Walton—11.

Mr. Robinson offered the following amendment:

Add to the fifth section the words : “Provided, That any company or corporation doing business under the provisions of this act shall not be entitled to the benefits accruing under ‘an act for the encouragement of mining, manufacturing, industrial, mechanical and commercial pursuits within the State of Alabama,’ approved April 23, 1873.

The Senate refused to adopt the amendment—yeas 9, nays 17.

Those who voted in the affirmative are—

Messrs. Carmichael, Cooper, Edwards, Harris of Lee, Harris of Russell, Moore, Parks, Robinson and Terrell—9.

Those who voted in the negative are—

Messrs. Cobb, Cunningham, Curtis, Dereen, Driesbach, Farden, Golson, Grayson, Hamilton, Haralson, Inzer, Leftwich, Martin of Conecuh, Martin of Tuscaloosa, Royal, Snodgrass and Walton—17.

Mr. Robinson offered the following amendment: add to the fifth section the words “Provided, that no property of any corporation doing business under the provisions of this act, shall be exempt from taxation for a period of more than two years after they shall have commenced business.”

Mr. Moore moved to adjourn.

Lost.

Mr. Terrell moved to suspend the business before the Senate, to permit him to call up a certain bill.

Lost.

Mr. Robinson moved to adjourn.

Lost.

The vote being taken on the adoption of the amendment it was lost.

#### MESSAGE FROM THE HOUSE

By Mr. Garrett.

#### HOUSE OF REPRESENTATIVES, January 28th, 1875.

Mr. President :

The House has originated and passed the following bill :

H. B. 207. To authorize and require the Secretary of State to issue to John B. Appleton a patent for sixteenth (16) section lands in township nine (9), range seven (7) east, in De Kalb county, Ala.

ELLIS PHELAN,  
Clerk.

Mr. Terrell moved to adjourn.

Lost. Yeas 11, nays 15.

Those who voted in the affirmative are—

Messrs. Carmichael, Cunningham, Curtis, Edwards, Golson, Harris of Russell, Leftwich, Martin of Tuscaloosa, Moore, Robinson and Terrell—11.

Those who voted in the negative are—

Messrs. Cobb, Cooper, Dereen, Driesbach, Farden, Grayson, Hamilton, Haralson, Harris of Lee, Inzer, Martin of Conecuh, Parks, Royal, Snodgrass and Walton—15.

The constitutional rule was suspended, the bill read the third time and passed. Yeas 18, nays 8.

Those who voted in the affirmative are —

Messrs. Cobb, Cooper, Cunningham, Curtis, Dereen, Driesbach, Farden, Grayson, Golson, Hamilton, Haralson, Harris of Russell, Inzer, Martin of Conecuh, Royal, Snodgrass, Terrell and Walton—18.

Those who voted in the negative are —

Messrs. Carmichael, Edwards, Harris of Lee, Leftwich, Martin of Tuscaloosa, Moore, Parks and Robinson—8.

On motion of Mr. Martin of Tuscaloosa, at 3 o'clock, the Senate adjourned till quarter past 10 o'clock to-morrow.

FRIDAY, January 29, 1875.

The Senate met pursuant to adjournment.

Prayer by Rev. Dr. Andrews.

Present : Messrs. Black, Carmichael, Cobb, Coleman, Cooper, Cunningham, Curtis, Dereen, Driesbach, Edwards, Golson, Grayson, Green, Hamilton, Haralson, Harris of Lee, Harris of Russell, Inzer, Jones, Leftwich, Martin of Tuscaloosa, Moore, Parks, Robinson, Royal, Snodgrass, Terrell and Walton—28.

Mr. Coleman was granted leave to record his vote in favor of the bill passed on yesterday, granting certain privileges to foreign corporations doing business in this State.

On motion of Mr. Martin of Tuscaloosa, the select committee to which was referred the bill—

S. B. 457½. To appropriate the proceeds from the sales of “swamp and overflowed lands,” granted by Congress to Alabama, for the purpose of furnishing additional accommodations for the indigent insane and idiotic persons, residents of this State,

Was instructed to report the same.

Mr. Hamilton, from said committee, reported favorably thereto.

The constitutional rule was suspended, the bill read the third time and passed, and was ordered forthwith to the House.

Mr. Hamilton, from the joint committee on calling a constitutional convention, requested till Tuesday, the 2d day of February, immediately after the reading of the journal, to make said report, and asked that the report be made the special order for that hour.

The Senate so ordered.

On motion of Mr. Cooper, the business before the Senate was suspended to take up the bill—

S. B. 257. To induce and encourage immigration to the State of Alabama, and to provide for the appointment of a commissioner of immigration and a board of commissioners directors.

The bill was read the third time and passed.

Mr. Coleman moved to reconsider the vote adopting the resolution limiting the time of debate.

On motion of Mr. Moore, the motion was tabled.

Mr. Dereen moved to suspend the call of districts to take up House messages.

The Senate refused to suspend.

### ENROLLED BILLS.

Mr. Grayson, from Committee on Enrolled Bills, reported the following correct :

S. B. 445. An act to authorize and require the Secretary of State to deliver to William B. Smith of Tuscaloosa county, one hundred copies each of Smith's Condensed Alabama Reports, which were delivered to the State Department by mistake.

S. B. 442. An act to amend sections one and two of an act to create the eleventh chancery district of the northern chancery division.

S. B. 442. An act to prohibit the selling or giving away of vinous or spirituous liquors within three miles of Liberty Hill Methodist church, in Walker county.

S. B. 439. An act to detach the chancery district composed of the county of Shelby, from the middle chancery division and attach it to the eastern chancery division.

S. B. 443. An act to prohibit the selling or giving away of spirituous, vinous, or intoxicating liquors within three miles of Harmony church in Limestone county.

S. B. 441. An act for the relief of the heirs and devisees of John Nelson, deceased.

S. B. 440. An act to amend section two of an act to regulate the chancery courts of the fifth district of the southern chancery division of the State of Alabama, "approved December 16, 1871."

S. B. 444. An act to empower the Montgomery Female Institute, in the city of Montgomery, to issue diplomas.

S. B. 410. An act to annex fractional township 7, range 12, according to the Florida survey, to township 1, range 26, according to the Alabama survey.



S. B. 416. An act to change the boundary line between the counties of Colbert and Franklin.

S. B. 399. An act to prohibit the sale, bartering, or giving away of spirituous, vinous or malt liquors within two and a half miles of Mount Pleasant Methodist church and Little River Baptist church, in Monroe county.

#### CALL OF THE DISTRICTS.

Bills were introduced

By Mr. Black—

S. B. 469. To prevent the depopulation of Alabama.

By Mr. Dereen—

S. B. 470. To make appropriations for the fiscal year ending September 30th, 1875.

By Mr. Parks—

S. B. 471. For the relief of Mrs. A. Florence, of Russell county.

By Mr. Snodgrass—

S. B. 472. For the relief of F. M. Davidson, of the county of DeKalb ;

Which were severally read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Finance.

By Mr. Golson—

S. B. 473. To prohibit the sale or barter of vinous, spirituous or malt liquors within one mile of Indian Hill Factory, extending east, however, only to the corporate limits of the town of Prattville.

By Mr. Cooper—

S. B. 474. To prohibit the sale of vinous or spirituous liquors within five miles of Ebenezer and New Hope churches in Cherokee county ;

Which were severally read the first, second and third times, under a suspension of the constitutional rule, and passed.

By Mr. Farden—

S. B. 475. For the relief of the teachers of free public schools in the county of Montgomery ;

Which was read the first, second and third times, under a suspension of the constitutional rule, and passed, and ordered to the House forthwith.

By Mr. Jones—

S. B. 476. To make Calhoun a precinct voting place in Lowndes county ;

Which was read the first and second times, under a suspension of the constitutional rule.

Mr. Carmichael moved to lay the bill on the table.

Lost.

The bill was referred to the Committee on Local Legislation.

By Mr. Leftwich—

S. B. 477. To regulate fees of justices of the peace, notaries public and constables in the county of Greece.

By Mr. Coleman—

S. B. 478. To provide for the payment of the expenses in the execution of the educational system of the State.

Also,

S. B. 479. To more effectually prevent the practice of duelling.

By Mr. Grayson—

S. B. 480. To compel sheriffs, clerks of the circuit courts, and registers in chancery, having moneys in their hands, subject to further order of court, to pay the same over to their successors in office.

By Mr. Farden —

S. B. 481. To provide counsel in certain cases, and to remunerate such counsel ;

Which were severally read the first and second times, under a suspension of the constitutional rule, and referred to the Judiciary Committee.

By Mr. Hamilton—

S. B. 482. To authorize the Governor to settle with the Selma and Gulf Railroad Company for the outstanding endorsement of the State on account of said Railroad Company.

By Mr. Carmichael—

S. B. 483. For the protection of fish in private ponds and reservoirs ;

Which were severally read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Internal Improvements.

#### MESSAGE FROM THE HOUSE

By Mr. Garrett—

HOUSE OF REPRESENTATIVES,  
January 28, 1875.

Mr. President:

The House has passed the following Senate bills :

S. B. 200. To amend section 3 of an act to amend the charter of the city of Talladega, approved February 8th, 1872, and to repeal all laws in contravention thereto.

S. B. 192. For the relief of Seaborn A. Edwards, of Perry county, as administrator of A. McMahan.

And has amended as therein shown and passed Senate bill—

S. B. 69. To change the times of holding the circuit courts of Lee and Russell counties.

And has adopted Senate joint resolution—

In regard to the raising of a joint committee to investigate the employment of additional clerks by the late Executive, and as to certain funds paid out under contingent expenses.

Committee on the part of the House—Messrs. Crews, Hamilton and Bozeman.

ELLIS PHELAN,  
Clerk.

Bills were introduced.

By Mr. Edwards—

S. B. 484. For the relief of Jere Ratliff, tax collector for the county of Bount.

By Mr. Edwards—

S. B. 485. To authorize the court of county Commissioners of Blount county to levy a tax to pay the indebtedness of said county.

By Mr. Grayson—

S. B. 486. For the relief of J. P. Southern, of Columbia, South Carolina ;

Which were severally read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Privileges and Elections.

By Mr. Grayson—

S. B. 487. For the relief of the tax collectors of Madison, Lauderdale and Limestone counties ;

Which was read the first and second times, under a suspension of the constitutional rule.

Mr. Snodgrass moved to strike out “ Madison, Lauderdale and Limestone,” and insert “ the several counties of this State.”

The bill and amendment were referred to the Committee on Privileges and Elections, with instructions to report on Monday at 11 o'clock.

Mr. Cobb presented a memorial from Dan'l Martin, of Jackson county ;

Which was referred to a select committee composed of Messrs. Cooper, Driesbach, Cunningham, Snodgrass and Harris of Russell.

By Mr. Robinson—

S. B. 488. To repeal an act to amend an act entitled an to establish revenue laws for the State of Alabama, approved February 9, 1870 ;

Which was read the first and second times, under a suspension of the constitutional rule.

The hour of 12 o'clock having arrived the Senate proceeded to the consideration of the

#### SPECIAL ORDER.

The bill—

S. B. 45. To repeal sections 1858, 1869 and 1860 of the Revised Code ;

Was read the third time, under a suspension of the constitutional rule, and passed.

#### MESSAGE FROM THE HOUSE,

By Mr. Garrett:

#### HOUSE OF REPRESENTATIVES, January 29, 1875.

Mr. President :

The House has originated and passed the following bills—

H. B. 454. To remove the administration of the estate of Edward Gunter, deceased, from the probate court of Lowndes to the probate court of Dallas county.

H. B. 461. For relief of L. N. Cole, of the county of Tuscaloosa, administrator of the estate of Littleton Cole, deceased, late of the county of Fayette.

H. B. 455. To amend and enlarge the corporate powers of the Birmingham chair manufacturing company, a corporation incorporated under the general laws of the State.

H. B. 163. To increase the fees of constables in beat No. 8, in the county of Sanford.

H. B. 240. To authorize the Monte Sano Turnpike Company to sell, mortgage, or otherwise dispose of their road, works, property and franchise of every nature.

H. B. 247. To authorize the Governor to issue a patent to Dudley D. Palmer for the southwest quarter of the southwest quarter of section sixteen, township eight, range two west, in Washington count.

H. B. 298. To define the lines of the corporate limits of the town of Gadsden in Etowah county.

H. B. 305. To authorize the Governor of the State of Alabama to issue a patent to Joseph E. Garlington, to certain

parcels of land lying and situate in the county of Chambers.

H. B. 227. To add a part of Dallas county to Chilton county.

H. B. 317. To require the judges of probate of Covington and Crenshaw counties to pay for their own stationery, namely blanks for recording mortgages, liens and marriage certificates.

H. B. 177. To amend section one of an act entitled, an act to secure justice of the peace and notaries public in the their fees in certain cases, approved December 16, 1871.

H. B. 44. For the relief of Solomon & Woolf.

And the following joint resolutions —

H.B. 461. For the relief of W. B. and A. B. Bell, and William M. Knight.

H. B. 290. To pay Williamson & Johns for work done upon the Senate chamber and hall of the House of Representatives.

The House has passed Senate bill—

S. B. 457½ . To appropriate the proceeds from sales of swap and overflowed lands, granted by Congress to Alabama, for the purpose of furnishing additional accommodations for the indigent insane and idiotic persons, residents of this State.

ELLIS PHELAN,  
Clerk.

#### MESSAGE FROM THE GOVERNOR,

By Mr. Vincent—

STATE OF ALABAMA,  
EXECUTIVE DEPARTMENT,  
MONTGOMERY, Jan. 29, 1875.

Mr. President :

The Governor has approved the following bill, which originated in and passed the Senate :

An act,

S. B. 336. To amend an act entitled, an act for the relief of Nellie Crony of Colbert county.

Very respectfully,

IKE H. VINCENT,  
Recording Secretary.

The bill—

S. B. 229. To execute the power of disposal of the lands granted by an act of Congress, entitled "an act granting

public lands in alternate sections to the State of Alabama, to aid in the construction of certain railroads in said State," approved June 3, 1856, which power of disposal is conferred upon the Legislature of Alabama by said act of Congress,

Was taken up.

Mr. Martin withdrew his motion to indefinitely postpone.

Mr. Coleman offered a substitute for section three, which was adopted.

Mr. Martin of Tuscaloosa, offered the following amendment :

Amend by adding the following section, to wit:

SEC. 4. Be it further enacted, That nothing contained in this act shall be construed to mean, or have the force and effect of donating to either of the said railroads, in this act mentioned, any lauds belonging in any manner to the State, or which by law belong to, or is subject to a lien held by, any other of said railroads mentioned. And it is hereby declared to be the sole purpose and effect of this act, to convey out of the State of Alabama all of the legal title with which said State became invested, under or by virtue of any act of Congress, donating said lands for the purpose of constructing such roads ; and that none other force or effect shall be attached to this act or any provision of it.

On motion of Mr. Cobb, the amendment was laid on the table. Yeas 19, nays 8.

Those who voted in the affirmative are—

Messrs. Black, Cobb, Coleman, Cunningham, Curtis, De-reen, Edwards, Farden, Golson, Grayson, Green, Hamilton, Harris of Russell, Inzer, Jones, Royal, Snodgrass, Terrell and Walton—19.

Those who voted in the negative are—

Messrs. Carmichael, Driesbach, Harris of Lee, Leftwich, Martin of Tuscaloosa, Moore, Parks and Robinson—8.

Mr. Martin of Tuscaloosa, moved to strike out the second section of the bill.

On motion of Mr. Inzer, the amendment was laid on the table. Yeas 15, nays 10.

Those who voted in the affirmative are—

Messrs. Black, Cobb, Coleman, Cunningham, Curtis, Edwards, Golson, Grayson, Hamilton, Haralson, Harris of Russell, Inzer, Jones, Snodgrass and Terrell—15.

Those who voted in the negative are—

Messrs. Carmichael, Cooper, Driesbach, Green, Harris of Lee, Leftwich, Martin of Tuscaloosa, Moore, Parks, and Walton—10.

On motion of Mr. Cobb, the words "or may," were inserted after the word "has," in the ninth line of the preamble.

The bill was recommitted to the Judiciary committee.

On motion of Mr. Martin of Tuscaloosa, at half past two o'clock, the Senate adjourned till quarter past 10 o'clock, to-morrow morning.

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SATURDAY, January 30, 1875.

The Senate met pursuant to adjournment.

Prayer by Rev. Dr. Andrews.

Present : Messrs. Carmichael, Coleman, Cooper, Curtis, Dereen, Driesbach, Edwards, Grayson, Hamilton, Harris of Lee, Harris of Russell, Jones, Leftwich, Martin of Tuscaloosa, Moore, Parks, Robinson and Terrell — 18.

The journal of yesterday was read and corrected.

Two days leave of absence was granted Messrs. Cobb, Inzer, Snodgrass and Haralson ; one day to Mr. Coleman, and indefinite leave to Mr. Martin of Conecuh, on account of sickness.

On motion of Mr. Terrell, the call of the districts was suspended.

Bills were introduced.

By Mr. Cooper—

S. B. 489. To establish the office of recorder of public deeds in and for Montgomery county, and to prescribe the duties thereof.

By Mr. Parks—

S. B. 490. For the relief of the planting interests of Montgomery county.

By Mr. Parks —

S. B. 491. To suppress secret traffic in agricultural products in Montgomery county ;

Which were severally read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Local Legislation.

By Mr. Carmichael—

S. B. 492. To amend sections seven and ten of an act entitled an act to incorporate the town of Ozark, in the county of Dale ;

Which was read the first, second and third times, under a suspension of the constitutional rule, and passed.

Mr. Hamilton, from the Judiciary Committee, reported favorably to the bill—

S. B. 457. To regulate the election of municipal officers in the city of Montgomery.

Mr. Farden moved to postpone the consideration of the bill till Tuesday, 12 o'clock, m., and make it the special order for that hour.

On motion, of Mr. Martin of Tuscaloosa, the motion was tabled.

Mr. Farden moved to strike out "Tuesday in May," and insert "Monday in December," in the third line of the second section.

On motion, of Mr. Martin of Tuscaloosa, the motion was tabled.

Mr. Farden moved to strike out "five" and insert "three" in the ninth line of section three.

On motion, of Mr. Martin of Tuscaloosa, the motion was tabled.

Mr. Farden moved to strike out "April," and insert "December," in the fifth section.

On motion of Mr. Grayson, the motion was tabled.

Mr. Farden moved to strike out the fifth section.

The Senate refused to strike out.

On motion of Mr. Hamilton, the bill was ordered to a third reading, and made the special order for Monday, at 11 o'clock, m.

The hour of 12 o'clock having arrived, the special order, which was the bill—

S. B. 382. To divide the State into eight congressional districts.

On motion, of Mr. Martin of Tuscaloosa, the bill was postponed, and made the special order for 12 o'clock, m., on Monday.

Mr. Martin of Tuscaloosa, from the Committee on Local Legislation, reported favorably to the bill—

S. B. 373. To provide for the collection of certain taxes therein named ;

Which was read the third time, under a suspension of the constitutional rule, and passed.

Also, a substitute for the bill—

S. B. 203. To fix the time for the trial of criminal cases in the circuit court of Choctaw county ;

Which was adopted, read the third time, under suspension of the constitutional rule, and passed,

Also, favorably to the House bills—

H. B. 46. To allow constables, in the county of Pike, the same compensation as is now allowed sheriffs in certain cases.



H. B. 32. To amend an act entitled an act to fix the time of holding the chancery court for the first district of the Western Chancery Division of Alabama, approved February 1, 1872.

H. B. 70. To number the chancery district of Conecuh county, and to transfer the business of Escambia county from the county of Butler to Conecuh county ;

Which were severally read the third time, under a suspension of the constitutional rule, and passed.

Also, favorably, with an amendment to the bill—

S. B. 298. To amend section seven of an act to abolish fencing in certain portions of Montgomery county, approved January 29, 1867

Amend by striking out “one” and insert “two” in the eighth line of section seven ;

The amendment has adopted, the bill read the third time, under a suspension of the constitutional rule, and passed,

#### MESSAGE FROM THE HOUSE.

By Mr. Garrett.

#### HOUSE OF REPRESENTATIVES, January 30, 1875.

Mr. President :

The House has passed the following Senate bills:

S. B. 264. To amend section one of an act to incorporate the town of Scottsboro in the county of Jackson.

S. B. 450. To extend and enlarge the duties of the trustees of Mulberry College, Blount county.

S. B. 363. For the relief of Dr. Wm. J. McMahon of the county of Lawrence.

S. B, 458. To amend section five of an act to authorize the commissioners court of Sumter county to levy a tax, not to exceed fifty per cent., on the county tax, to provide a sinking fund for said county to pay the debt of said county, approved April, 1873.

S. B. 294½. For the relief of Henry W. Battle of the county of Barbour.

And has originated and passed the following bills :

H. B. 190. To incorporate the town of Ashland in Clay county.

H. B. 276. For the relief of J. D. B. McDuffie, late tax assessor of Montgomery county.

H. B. 368. To exempt from levy and sale court-houses, jails and poor-houses in this State.

H. B. 391. For the relief of John D. Pruitt and Bunsby C. Bell, and George W. Rowe, and Elizabeth Smith, of St. Clair county.

H. B. 248. For the relief of Elizabeth Parish of the disabilities of coverture, as to her separate estate and contracts.

H. B. 225. To repeal an act entitled an act to establish the city court of the county of Lee, with criminal and civil jurisdiction.

H. B. 327. To establish a new election precinct in the county of Jackson.

H. B. 352. To incorporate the town of Hartsell in the county of Morgan.

H. B. 266. To provide for the creation and regulation of street railroads in Alabama.

H. B. 340. To authorize the sale of real estate held by tenants for life for division between tenants for life and remainder men.

H. B. 236. To prevent camp-hunting in the counties of Marion, Winston, St. Clair and Walker.

H. B. 238. To amend section 3555 of the Revised Code of Alabama.

H. B. 251. For the relief of James Harrison, late sheriff of Marengo county.

H. B. 219. To prevent excessive pay to witnesses in State cases.

ELLIS PHELAN,  
Clerk.

The House bill—

H. B. 381. To make Shrove Tuesday, or the day commonly known as Mardi Gras, a legal holiday in the cities and counties of Mobile and Montgomery ;

Which was read the first, second and third times, under a suspension of the constitutional rule, and passed, and was ordered forthwith to the House.

Mr. Parks, from the Committee on Municipal and County Organizations, reported favorably to the bills—

S. B. 184. To amend section two of an act to establish a new charter for the town of Marion, in the county of Perry, approved February 16, 1870.

S. B. 344. To amend the third section of an act to amend the charter of the Shelby County Iron Manufacturing Company.

S. B. 343. To incorporate the village of Henderson, in Pike county ;

Which were severally read the third time, under a suspension of the constitutional rule, and passed.

Also, from same committee, favorably to the bill—

S. B. 150. To establish a new charter for the city of Selma ;

Which was ordered to a third reading, and made the special order for Monday at 12 o'clock, m.

Mr. Terrell, from the Committee on the Militia, reported favorably to the bill—

S. B. 255. To provide for the payment of the first battalion of the Alabama volunteer militia, while in actual service, under the orders of the late Governor of this State ;

Which was read the third time, under a suspension of the constitutional rule, and passed. Yeas 15, nays 7.

Those who voted in the affirmative are—

Messrs. Black, Cunningham, Dereen, Driesbach, Edwards, Golson, Grayson, Hamilton, Harris of Lee, Harris of Russell, Moore, Parks, Robinson, Terrell and Walton—15.

Those who voted in negative are—

Messrs. Cooper, Curtis, Farden, Jones, Leftwich, Martin of Tuscaloosa and Royal—7.

Mr. Farden, from the select committee to which was referred the bill—

S. B. 449. To amend the charter of the Alabama Insurance Company,

Reported favorably thereto ;

Which was read the third time, under a suspension of the constitutional rule, and passed.

Mr. Grayson, from the select committee to which was referred the bill—

S. B. 374. To amend an act to incorporate the East Alabama Female College and the Bascomb Female Institute, approved January 27, 1852,

Reported favorably thereto ;

Which was read the third time, under a suspension of the constitutional rule, and passed.

Mr. Hamilton, from the Judiciary Committee, reported favorably to the House bill—

H. B. 31. To amend an act to regulate the session and practice of the circuit court of Clarke county;

Which was read the third time, under a suspension of the constitutional rule, and passed, and ordered forthwith to the House.

Mr. Carmichael, from the select committee to which was referred the bill—

S. B. 396. To repeal an act entitled, an act for the protection of plantations and lands against the depredations of stock in Lowndes county, so far as relates to Sandy Ridge and Farmersville beats,

Reported favorably thereto ;

Which was read the third time, under a suspension of the constitutional rule, passed and ordered forthwith to the House.

Mr. Cunningham, from the Committee on Finance, reported favorably to the House bill—

H. B. 174. For the relief of P. L. Worsham, of Washington county ;

Which was read the third time, under a suspension of the constitutional rule, and passed, and ordered forthwith to the House.

Also, favorably to the bills—

S. B. 94. To repeal an act entitled, an act to regulate the fees of the judge of probate of Clarke county ;

S. B. 110. To repeal an act entitled, an act to regulate the compensation of members of the commissioners court of Clarke county ;

Which were severally read the third time, under a suspension of the constitutional rule, and passed.

#### ENROLLED BILLS.

Mr. Grayson, from the Committee on Enrolled Bills, reported the following correct :

S. B. 457½. To appropriate the proceeds of the sale of swamp and overflowed lands, granted by Congress to Alabama, for the purpose of furnishing additional accommodations for the indigent insane and idiotic persons of this State.

S. B. 264. To amend section one of an act amendatory of an act to incorporate the town of Scottsboro, in the county of Jackson.

S. B. 450. An act to extend and enlarge the duties of trustees of Mulberry College in Blount county.

Mr. Harris, from the same committee, reported the following correctly enrolled :

S. B. 363. For the relief of Dr. Wm. J. McMahon of the county of Lawrence.

S. B. 294½. For the relief of Henry W. Battle of the county of Barbour.

Mr. Terrell moved to adjourn. Lost.

Mr. Cunningham, from the Finance Committee, reported favorably to the bill—

S. B. 332. For the relief of P. Phillips,

Which was read the third time, under a suspension of the constitutional rule.

On motion of Mr. Hamilton, the bill was recommitted to a select committee composed of Messrs. Moore, Parks and Robinson.

Mr. Driesbach, from the Committee on the Penitentiary, reported favorably, with an amendment, to the bill—

S. B. 353. To authorize and require the county commissioners of Perry county, to make provision for warming the jail of said county ;

Amend by striking out the second section.

The amendment was adopted.

Mr. Robinson moved to amend by adding the words, "Provided it does not cost the county over one hundred and fifty dollars per annum."

On motion of Mr. Curtis, the further consideration of the bill and amendment were postponed till Tuesday, 12 o'clock, m.

Mr. Terrell moved to adjourn. Lost.

Mr. Walton introduced a bill—

S. B. 493. To repeal all special acts to regulate the fees and compensation of the judge of probate for Montgomery county ;

Which was read once and ordered to a second reading on Monday.

Mr. Edwards introduced a bill—

S. B. 494. To prohibit the sale or giving away of vinous, spirituous or malt liquors within four miles of Wiseville post-office in Morgan county, Thomasville in Bullock, and Gaylesville in Cherokee county ;

Which was read the first, second and third times, under a suspension of the constitutional rule, and passed.

Mr. Martin of Tuscaloosa, from the Committee on Local Legislation, reported a substitute for the bill—

S. B. 205. For the relief of Margaret E. Callen, a minor, of Henry county, between seventeen and eighteen years of age ;

The substitute was adopted, the bill read the third time, and passed.

The caption of the substitute, reads as follows :

S. B. 205. For the relief of Margaret E. Callen, a minor, of Henry county.

The bill—

S. B. 425. For the relief of Joseph S. Hair, of Lee county, was taken up ;

The question being on the adoption of the amendment offered by Mr. Farden, it was withdrawn.

Mr. Carmichael renewed the amendment ;

Pending the consideration of the amendment,

On motion of Martin of Tuscaloosa, at half-past 2 o'clock, the Senate adjourned till half-past 10 o'clock to-morrow morning.

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MONDAY, February 1, 1875.

The Senate met pursuant to adjournment.

Prayer by Rev. Dr. Jacobs.

Present—

Messrs. Black, Carmichael, Coleman, Dereen, Driesbach, Edwards, Glass, Golson, Grayson, Harris of Lee, Harris of Russell, Martin of Conecuh, Martin of Tuscaloosa, Moore, Parks, Robinson and Terrell—17.

The journal of Saturday was read and approved.

Mr. Robinson, from the Committee on Privileges and Elections, reported a substitute for the bill—

S. B. 381. To regulate elections in the State of Alabama.

On motion of Mr. Robinson, the substitute was made the special order for Thursday, 12 o'clock, m., and 150 copies ordered to be printed.

Mr. Terrell introduced a bill—

S. B. 495. To repeal subdivision one of section 957 of the Revised Code ;

Which was read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on the Judiciary.

Mr. Glass introduced a bill—

S. B. 496. To regulate the enclosures of stock in a part of the counties of Macon and Bullock, therein described.

Which was read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Local Legislation.

The hour of eleven o'clock having arrived—

Mr. Robinson, from the Committee on Privileges and Elections, reported adversely to the bill—

S. B. 487. For the relief of the tax collectors of Madison, Lauderdale and Limestone counties.

On motion of Mr. Coleman, the bill was recommitted to a select committee composed of Messrs. Grayson, Moore and Carmichael, with instructions to report at 12 o'clock m., to-morrow.

## MESSAGE FROM THE HOUSE,

By Mr. Garrett :

HOUSE OF REPRESENTATIVES,  
February 1, 1875.

Mr. President :

The House has passed the following Senate bill—  
S. B. 105. To provide for holding special terms of the  
circuit court.

ELLIS PHELAN,  
Clerk.

## MESSAGE FROM THE GOVERNOR,

By his Recording Secretary.

EXECUTIVE DEPARTMENT,  
STATE OF ALABAMA,  
MONTGOMERY, January 30, 1875.

Mr. President :

The Governor has approved the following bill, which orig-  
inated in and passed the Senate—

S. B. 439. An act to detach the chancery district composed  
of the county of Shelby from the middle chancery division,  
and attach it to the eastern chancery division.

S. B. 422. An act to prohibit the selling or giving away of  
vinous or spiritous liquors within three miles of Liberty Hill  
Baptist church, and Fairview Methodist church, in Walter  
county.

S. B. 444 An act to empower the Montgomery Female  
Institute, of the city of Montgomery, to issue diplomas.

S. B. 442. An act to amend sections one and two of an  
act to create the eleventh chancery district of the northern  
chancery division, approved December 27th, 1873.

S. B.410. An act to annex fractional township seven, range  
twelve, according to the Florida survey, to township one, range  
twenty-six, according to the Alabama survey.

S. B. 441. An act for the relief of the heirs and advisees  
of John T. Nelson, deceased.

S. B. 443. An act to prohibit the selling, giving away or  
otherwise disposing of spirituous, vinous or intoxicating liq-  
uors within three miles of Harmony church, Limestone coun-  
ty, Alabama.

S. B. 440. An act to amend section two of an act to regu-  
late the chancery courts of the fifth district of the southern  
chancery division of the State of Alabama, approved December  
16th, 1871.

S. B. 416. An act to change the boundary line between the counties of Colbert and Franklin.

S. B. 399. An act to prohibit the sale, bartering or giving away of spirituous, vinous or malt liquors within two and a half miles of Mt. Pleasant Methodist church and Little River Baptist church, in Monroe county.

Respectfully,

IKE H. VINCENT,  
Recording Secretary.

MESSAGE FROM THE HOUSE,

By Mr. Garrett :

HOUSE OF REPRESENTATIVES,  
February 1st, 1875.

Mr. President :

The House has passed the following Senate bill—

S. B. 396. To repeal an act for the protection of plantations and lands against the depredations of stock in Lowndes county, so far as relates to Sandy Ridge and Farmersville beats, approved December 31st, 1868.

And has originated and passed the following bills—

H. B. 236. To provide for the payment of costs in which indictments are withdrawn and filed.

H. B. 233. To repeal an act to secure complete records in the courts of this State, approved December 10th, 1868.

H. B. 237. To provide for the payment of costs in criminal cases in which prosecutions are abated by reason of the death of defendant.

H. B. 109. To prevent the corrupt use of public funds by the commissioners' courts of the several counties of this State.

H. B. 322. For the relief of Isabella M. Winston.

H. B. 184½. To authorize the filing and recording of certain deeds of conveyance therein named in the office of the probate court of this State.

H. B. 101. To establish a charter for the town of Geneva.

ELLIS PHELAN,  
Clerk.

ENROLLED BILL.

Mr. Dereen, from the Committee on Enrolled Bills, reported the following correctly enrolled :

S. B. 458. An act to amend section 5 of an act entitled "an act to authorize the commissioners' court of Sumter county to levy a tax not to exceed 50 per cent on the county tax, to



provide a sinking fund for said county to pay the debt of said county.

MESSAGE FROM THE GOVERNOR,

By his Recording Secretary :

STATE OF ALABAMA,  
EXECUTIVE DEPARTMENT,  
MONTGOMERY, ALA., Feb. 1, 1875.

Mr. President :

The Governor has approved the following bills, which originated in and passed the Senate :

S. B. 457½. An act to appropriate the proceeds of the sales of swamp and overflowed lands, granted by Congress to Alabama, for the purpose of furnishing additional accommodations for the indigent, insane and idiotic persons of this State.

S. B. 455. An act to amend section one of an act amendatory of an act to incorporate the town of Scottsboro, in the county of Jackson.

S. B. 450. An act to enlarge the duties of the trustees of Mulberry college, in Blount county.

S. B. 294½. An act for the relief of Henry W. Battle, of the county of Barbour.

S. B. 363. An act for the relief of Dr. Wm. I. McMahan, of the county of Lawrence.

Respectfully,

I. H. VINCENT,  
Recording Secretary.

The bill—

S. B. 457. To regulate the election of municipal officers in the city of Montgomery ;

Which was ordered to a third reading at this hour, was taken up.

Mr. Farden moved to postpone the further consideration of the bill till 10 o'clock Wednesday.

Lost.

Mr. Dereen moved to postpone till the call of the districts was completed.

Lost.

The bill was read the third time.

Mr. Farden moved to recommit the bill to a special committee of five, with instructions to report on Wednesday at 11 o'clock a. m.

Lost.

Mr. Farden moved to recommit to the Committee on Priv-

ileges and Elections, with instructions to report on Wednesday at one o'clock.

Lost. Yeas 11—Nays 12.

Those who voted in the affirmative are—

Messrs. Black, Carmichael, Cooper, Curtis, Dereen, Farden, Glass, Golson, Green, Harris of Russell, and Leftwich—11.

Those who voted in the negative are—

Messrs. Coleman, Driesbach, Edwards Grayson, Hamilton, Harris of Lee, Martin of Conecuh, Martin of Tuscaloosa, Moore, Parks, Robinson, and Walton—12.

Mr. Farden moved to recommit the bill to a select committee of five, with instructions to report to-morrow.

Mr. Grayson moved to lay the motion on the table, which prevailed—yeas 14, nays 11.

Those who voted in the affirmative are—

Messrs. Carmichael, Coleman, Cunningham, Driesbach, Grayson, Hamilton, Harris of Lee, Martin of Conecuh, Martin of Tuscaloosa, Moore, Parks, Robinson, Terrell and Walton—14.

Those who voted in the negative are—

Messrs. Black, Cooper, Curtis, Dereen, Edwards, Farden, Glass, Golson, Green, Harris of Russell, and Leftwich—11.

The bill passed—yeas 17, nays 8.

Those who voted in the affirmative are—

Messrs. Black, Carmichael, Coleman, Cooper, Cunningham, Driesbach, Edwards, Grayson, Hamilton, Harris of Lee, Martin of Conecuh, Martin of Tuscaloosa Moore, Parks, Robinson, Terrell and Walton—17.

Those who voted in the negative are—

Messrs. Curtis, Dereen, Farden, Glass, Golson, Green, Harris of Russell, and Leftwich—8.

Mr. Robinson moved to reconsider the vote by which the bill passed.

On motion of Mr. Terrell, the motion was tabled.

The next special order was the bill—

S. B. 382. To divide the State into eight congressional districts.

The question being on the adoption of the amendments reported by the committee, which are as follows : Strike out the name "Wilcox," in the first district, and substitute "Marengo" ; strike out "Marengo," in the fourth district, and substitute "Wilcox."

Mr. Dereen moved to lay the amendments on the table ;

Lost—yeas 9, nays 15,

Those who voted in the affirmative are—

Messrs. Black, Curtis, Dereen, Farden, Golson, Green, Harris of Russell, Leftwich, and Martin of Conecuh—9.

Those who voted in the negative are—

Messrs. Carmichael, Coleman, Cooper, Cunningham, Driesbach, Glass, Grayson, Hamilton, Harris of Lee, Martin of Tuscaloosa, Moore, Parks, Robinson, Terrell and Walton—15.

The amendments were adopted—yeas 15, nays 10.

Those who voted in the affirmative are—

Messrs. Carmichael, Coleman, Cooper, Cunningham, Driesbach, Edwards, Grayson, Hamilton, Harris of Lee, Martin of Tuscaloosa, Moore, Parks, Robinson, Terrell and Walton—15.

Those who voted in the negative are—

Messrs. Black, Curtis, Dereen, Farden, Glass, Golson, Green, Harris of Russell, Leftwich, and Martin of Conecuh—10.

Mr. Carmichael moved to amend by detaching the county of Coffee from the second district, and attaching it to the third district.

Mr. Parks moved to postpone the further consideration of the bill till Wednesday, and make it the special order for 12 o'clock, m., on that day ;

Lost—yeas 12, nays 13.

Those who voted in the affirmative are—

Messrs. Black, Curtis, Dereen, Farden, Glass, Golson, Green, Harris of Russell, Leftwich, Martin of Conecuh, Parks and Walton—12.

Those who voted in the negative are—

Messrs. Carmichael, Coleman, Cooper, Cunningham, Driesbach, Edwards, Grayson, Hamilton, Harris of Lee, Martin of Tuscaloosa, Moore Robinson and Terrell—13.

Mr. Carmichael's amendment was adopted.

Mr. Golson moved to amend by changing the county of Bibb from the fifth to the fourth district, and the county of Lowndes from the fourth to the fifth district.

On motion of Mr. Carmichael, the motion was tabled.

Mr. Parks moved that the bill be ordered to a third reading on to-morrow, and made the special order for 12 o'clock, m.

Mr. Curtis moved to amend by striking "Lowndes" out of the fourth district, and inserting "Autauga."

The presiding officer (Mr. Cooper in the chair) decided the motion out of order, as Mr. Park's motion had precedence.

Mr. Dereen appealed from the decision.

The Senate refused to sustain the decision of the chair.

Mr. Parks moved to lay on the table the amendment offered by Mr. Curtis ;

The motion prevailed—yeas 15, nays 9.

Those who voted in the affirmative are—

Messrs. Carmichael, Coleman, Cooper, Cunningham, Driesbach, Edwards, Grayson, Hamilton, Harris of Lee, Martin of Conecuh, Martin of Tuscaloosa, Moore, Parks, Robinson, Terrell and Walton—16.

Those who voted in the negative are—

Messrs. Black, Curtis, Dereen, Farden, Glass, Golson, Green, Harris of Russell, and Leftwich—9.

Mr. Harris of Lee, moved to detach Lee county from the third district, and attach it to the fifth district.

On motion of Mr. Coleman, the motion was tabled.

Mr. Black moved to detach Geneva and Coffee from the third district, and attach them to the second district.

On motion of Mr. Carmichael, the motion was tabled.

Mr. Farden moved to strike Baldwin from the second and attach it to the first district.

On motion of Mr. Carmichael, the motion was tabled.

Mr. Farden moved to amend as follows :

Strike Crenshaw from the second district, and attach it to the third district.

Strike Russell from the third and attach it to the fifth district.

Strike Bibb from the fifth and attach it to the seventh district.

Strike Chilton from the fifth and attach it to the fourth district.

Strike Lowndes from the fourth and attach it to the second district.

Mr. Carmichael moved to lay the amendments on the table.

Mr. Farden moved to adjourn ;

Lost.

Mr. Black moved to lay the bill and amendments on the table ;

Lost.

Mr. Carmichael's motion to table Mr. Farden's amendments prevailed.

Mr. Black moved to adjourn ;

Lost.

Mr. Curtis moved to amend by striking Dallas from the fourth district, and adding Sumter thereto.

On motion of Mr. Parks, the amendment was tabled.

Mr. Black moved to indefinitely postpone the bill ;

Lost.

Mr. Carmichael moved that the bill be ordered to a third reading, and made the special order for twelve o'clock ,m., tomorrow.

Mr. Curtis moved to amend the motion by making it the special order for Monday next.

On motion of Mr. Robinson, the motion to postpone till Monday next was tabled.

Mr. Martin moved to adjourn ;

Lost.

Mr. Black moved to amend the motion of Mr. Carmichael, by postponing till Friday.

On motion of Mr. Grayson, Mr. Black's motion was tabled.

Mr. Golson moved to adjourn ;

Lost.

The bill was ordered to a third reading, and made the special order for 12 o'clock, m., to-morrow.

Mr. Robinson moved to adjourn ;

Lost.

The next special order was taken up, which was the bill—

S. B. 150. To establish a new charter for the city of Selma ;

Which was read the third time and passed.

Mr. Black moved to adjourn ;

Lost.

The next special order was taken up, which was the bill—

S. B. 284. To repeal all special acts to regulate the fees and compensation of the judges of probate for Montgomery county.

The bill was read the second time.

Mr. Farden moved to adjourn ;

Lost.

The bill was read the third time, under a suspension of the constitutional rule.

On motion of Mr. Farden, the vote, by which the bill was ordered to a third reading, was reconsidered.

On motion of Mr. Black, at quarter before 3 o'clock, the Senate adjourned till quarter past 10 o'clock to-morrow morning.

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TUESDAY, February 2, 1875.

The Senate met pursuant to adjournment.

Prayer by Rev. Dr. Jacobs.

Present—

Messrs. Coleman, Cooper, Curtis, Dereen, Driesbach, Edwards, Grayson, Green, Hamilton, Harris of Lee, Harris of

Russell, Jones, Martin of Tuscaloosa, Robinson, Royal, Snodgrass and Terrell—17.

The journal of yesterday was read and approved.

Leave of absence was granted for three days to Mr. Carmichael

Mr. Hamilton, from the Joint Committee on Calling a Constitutional Convention, requested till twelve o'clock to make the report required to be made by the committee at this hour.

#### CALL OF THE DISTRICTS.

Bills were introduced :

By Mr. Dereen—

S. B. 497½. To amend section 2878 of the Revised Code.

By Mr. Cooper—

S. B. 507 To authorize Mrs. Rebecca F. Norton, widow of Rev. E. B. Norton, deceased, to sell a certain house and lot in the town of Oxford, and to reinvest for the benefit of herself and the children of her said husband ;

Which were severally read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on the Judiciary.

By Mr. Hamilton—

S. B. 498½. To provide for reducing and funding the debts of the mayor, aldermen, and common council of the city of Mobile, and to provide means and security for paying said funded debt ;

Which was read the first, second and third times, under a suspension of the constitutional rule, and passed, and ordered to the House without engrossing.

By Mr. Martin of Conecuh—

S. B. 499½. To restrict the counties to a certain rate of taxation.

By Mr. Cunningham—

S. B. 509. For the relief of J. L. Williams, probate judge of Clay county ;

Which were severally read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Finance.

By Mr. Martin of Conecuh—

S. B. 500. To establish a board of revenue for Wilcox county, and to abolish the court of county commissioners for said county ;

Also,

S. B. 501. To confer jurisdictions upon the probate court of Wilcox county.

By Mr. Parks—

S. B. 503. To enlarge the criminal jurisdiction of the mayor and council of the town of Union Springs.

By Mr. Coleman—

S. B. 504. To substitute in place of the court of county commissioners in Dallas county, a board to be called the executive council ;

Which were severally read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Local Legislation.

By Mr. Martin of Conecuh—

A memorial of citizens of Butler county against annexing a portion of Lowndes county ;

Which was referred to the Committee on Municipal and County Organizations.

By Mr. Parks—

S. B. 502. To incorporate the Truck and Axe Company in the city of Troy, in Pike county ;

Which was read the first, second and third times, under a suspension of the constitutional rule, and passed.

By Mr. Moore—

S. B. 505. For the relief of William McCraig of Colbert county ;

Which was read the first and second times, under a suspension of the constitutional rule.

Mr. Coleman moved to amend by adding the name of Charles Hollingsworth of Limestone county.

Mr. Terrell moved to amend so as to read, “ that any blind person in this State shall be allowed the privilege to peddle without license ; Provided, No such blind person shall be supplied with material to peddle on, and share the profits with such person.

The bill and amendments were referred to the Committee on Revision of Laws.

By Mr. Moore—

S. B. 506. For the relief of Bester Cockburn of Colbert county ;

Which was read the first and second times, under a suspension of the constitutional rule.

Mr. Farden moved to amend by including every blind person in this State.

The bill and amendment were referred to the Committee on Finance.

By Mr. Cooper—

S. B. 508. To regulate the issuance of license to retail vinous, spirituous or other intoxicating liquors, defining the

liability of vendors of the same, requiring bonds with security to pay damages, and making premises liable, &c.;

Which was read the first and second times, under a suspension of the constitutional rule.

Mr. Farden moved to amend as follows : " That when the damages recovered by judgment, in any court, cannot be recovered from the person selling such liquors, contrary to this law, then the person who rented the property for such purpose, knowingly, shall be made a party to said suit for damages."

The bill and amendment were referred to a select committee, composed of Messrs. Cooper, Parks, and Martin of Conecuh.

By Mr. Martin of Tuscaloosa—

Memorials from citizens of different counties in this State, praying the passage of laws against the sale of liquors ;

Which was referred to the Committee on Temperance.

By Mr. Harris of Lee—

S. B. 510. To incorporate the town of Auburn, Lee county ;

Which was read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Municipal and County Organizations.

On motion of Mr. Terrell, the regular order of business was suspended to allow the Finance Committee to make a report.

Mr. Cunningham, from said committee, reported favorably to the bill—

S. B. 460. To amend section one of an act to provide for the funding of the domestic debt of the State, approved December 19, 1873.

Mr. Robinson offered the following amendment : Provided, The provisions of this bill shall not apply to Chambers, Madison and Russell counties, and the city and county of Mobile.

Pending the consideration of the amendment, the hour of 12 having arrived,

On motion of Mr. Farden, the special orders were temporarily suspended to dispose of the bill and amendment under consideration.

On motion of Mr. Cobb, the bill and amendment were postponed, and made the special order for Friday, at eleven o'clock.

#### SPECIAL ORDERS.

The bill—

S. B. 353. To authorize the county commissioners of Per-



ry county to make provision for warming the jail of Perry county,

Was taken up.

The question being on the adoption of the amendment offered by Mr. Robinson,

On motion of Mr. Curtis, it was tabled.

On motion of Mr. Grayson, the words "and required," were struck out.

On motion of Mr. Curtis, the bill was ordered to a third reading on to-morrow.

Yeas 21, nays 6.

Those who voted in the affirmative are—

Messrs. Black, Cobb, Cooper, Cunningham, Curtis, Dereen, Driesbach, Farden, Glass, Golson, Grayson, Green, Hamilton, Harris of Russell, Jones, Leftwich, Martin of Conecuh, Martin of Tuscaloosa, Royal, Snodgrass and Terrell—21.

Those who voted in the negative are—

Messrs. Coleman, Edwards, Moore, Parks, Robinson and Walton—6.

Mr. Martin of Tuscaloosa moved to postpone all special orders till 12 o'clock, m., to-morrow.

Mr. Coleman moved to amend the motion, by postponing the report of the select committee on the bill—

S. B. 487. For the relief of the tax collectors of Madison, Lauderdale and Limestone counties,

Which they were instructed to report at this hour.

On motion of Mr. Dereen, the motion to amend was tabled.

Mr. Martin of Tuscaloosa, by leave, withdrew his motion.

Mr. Robinson moved to postpone the report of the select committee till 1 o'clock, p. m. to-morrow.

Mr. Farden moved to postpone all the special orders till 12 o'clock to-morrow.

Mr. Robinson moved to table the motion.

Lost. Yeas 12, nays 16.

Those who voted in the affirmative are—

Messrs. Coleman, Cunningham, Driesbach, Edwards, Grayson, Hamilton, Harris of Lee, Martin of Tuscaloosa, Moore, Parks, Robinson and Terrell—12.

Those who voted in the negative are—

Messrs. Black, Cobb, Cooper, Curtis, Dereen, Farden, Glass, Golson, Green, Harris of Russell, Jones, Leftwich, Martin of Conecuh, Royal, Snodgrass and Walton—16.

#### ENROLLED BILLS.

Mr. Dereen, from the Committee on Enrolled Bills, reported the following correct :

S. B. 105. An act to provide for holding special terms of the circuit court.

S. B. 396. An act to repeal an act for the protection of plantations and lands against the depredations of stock in Lowndes county, so far as it relates to Sandy Ridge and Farmersville beats, approved December 31, 1868.

S. B. 200. An act to amend section three of an act entitled, an act to amend the charter of the city of Talladega, approved February 8, 1872, and to repeal all laws in contravention thereto.

S. B. 192. For the relief of Seaburn A. Edwards, of Perry county, as administrator of A. M. Mahan.

On motion of Mr. Moore, at 2 o'clock the Senate adjourned till quarter past 10 o'clock, tomorrow.

Yeas 16, nays .2.

Those who voted in the affirmative are—

Messrs. Black, Cobb, Cunningham, Dereen, Edwards, Farden, Glass, Golson, Green, Harris of Russell, Jones, Leftwich, Martin of Conecuh, Moore, Snodgrass and Walton—16.

Those who voted in the negative are—

Messrs. Coleman, Cooper, Curtis, Driesbach, Grayson, Hamilton, Harris of Lee, Martin of Tuscaloosa, Parks, Robinson, Royal and Terrell—12.

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WEDNESDAY, February 3, 1875.

The Senate met pursuant to adjournment.

Prayer by Rev. Dr. Jacobs.

Present—

Messrs. Coleman, Cooper, Curtis, Dereen, Driesbach, Edwards, Glass, Golson, Grayson, Hamilton, Harris of Lee, Harris of Russell, Inzer, Jones, Leftwich, Martin of Tuscaloosa, Moore, Parks, Robinson, Royal, Snodgrass and Terrell—22.

The journal of yesterday was read and approved.

#### CALL OF THE DISTRICTS.

Bills were introduced :

By Mr. Edwards—

S. B. 5 1. To relieve Alexander B. Brogden and Louisa C. Brogden, late Ellett, of Morgan county.

By Mr. Parks—

S. B. 518. For the relief of the persons therein named ;

Which were severally read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Privileges and elections.

By Mr. Grayson—

S.B.512. To authorize the Bell Factory, a body incorporated by the laws of this State, to establish a savings department and to provide for securing depositors.

By Mr. Martin of Tuscaloosa—

S. B. 513. In relation to landlords and tenants in incorporated cities and towns.

By Mr. Cobb—

S. B. 519. To prevent the running of freight trains upon and along the different lines of railway in this State on Sunday ;

Which were severally read the first and second times, under a suspension of the constitutional rule, and referred to the Judiciary Committee.

By Mr. Robinson—

S. B. 514. To define the duties of county treasurers ;

Which was read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Revision of Laws.

By leave, Mr. Harris of Lee, called up the bill—

S. B. 425. For the relief of Joseph S. Hair, of Lee county,

Which was referred to the Committee on Finance.

By Mr. Harris of Russell—

S. B. 515. To incorporate the town of Girard, in the county of Russell ;

Which was read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Municipal and County Organizations.

Also,

S. B. 516. To change the line between the counties of Russell and Barbour ;

Which was read the first, second and third times, under a suspension of the constitutional rule, and passed by a two-thirds vote. Yeas 20, nays 4.

Those who voted in the affirmative are—

Messrs. Black, Cobb, Cooper, Curtis, Dereen, Driesbach, Edwards, Glass, Golson, Grayson, Green, Hamilton, Harris of Lee, Harris of Russell, Inzer, Jones, Leftwich, Parks, Royal and Snodgrass—20.

Those who voted in the negative are—

Messrs. Coleman, Martin of Tuscaloosa, Moore and Robinson—4.

By Mr. Harris of Russell—

S. B. 517. To fix the time of holding the spring term of the chancery courts of the seventh district of the eastern chancery division, in the county of Russell ;

Which was read the first and second times, under a suspension of the constitutional rule, and referred to a select committee composed of Messrs. Harris of Russell, Robinson and Terrell.

#### MESSAGE FROM THE GOVERNOR

By his Private Secretary.

STATE OF ALABAMA,  
EXECUTIVE DEPARTMENT,  
Montgomery, Feb. 3, 1875.

Mr. President :

The Governor has approved the following bills which originated in and passed the Senate :

S. B. 458. An act to amend section five of an act entitled an act to authorize the commissioners court of Sumter county to levy a tax, not to exceed fifty per centum on the county tax, to provide a sinking fund for said county to pay the debt of said county, approved April 18, 1873.

S. B. 445. An act to authorize and require the Secretary of State to deliver to William B. Smith, of Tuscaloosa county, one hundred copies each of volumes one and two of Smith's Condensed Alabama Reports, which were delivered to the State Department by mistake.

Very respectfully,  
L. R. DAVIS,  
Private Sec'ry.

#### MESSAGE FROM THE HOUSE

By Mr. Phelan—

HOUSE OF REPRESENTATIVES,  
February 3, 1875.

Mr. President :

The House has passed the following Senate bills :

S. B. 312. To extend the terms of the circuit court of Dallas county.

And has originated and passed the following bills—

H. B. 103. For the protection of insectivorous birds in the

counties of Dallas and Barbour, and to punish the killing and taking of the same.

H. B. 113. To separate the counties of Marengo and Hale from the western chancery division, and annex the same to the middle chancery division, and to provide for the holding of courts therein.

ELLIS PHELAN,  
Clerk.

Mr. Martin of Tuscaloosa, from the select committee, reported favorably, with amendment, to the bill—

S. B. 117. To provide for taking the census of the State of Alabama for the year 1875.

Amend section eight by striking out all after the enacting clause, and inserting : " That it shall be the duty of the probate judge and secretary of State, upon the census taker making an depositing such books in their respective offices, under this act, to give him a certificate to that effect ; and upon the presentation by such census taker of said certificates to the State auditor, it shall be the duty of that officer to draw his warrant upon the State treasurer in favor of such census taker for the sum which may be due him, under the provisions of this act. And for the information and guidance of the auditor, it shall be the duty of the secretary of State to include in his certificate to said census taker the number of persons so enumerated by him."

Amend section 11 by striking out the last four lines after the word "thereof," and adding the following : "And shall be paid into the treasury of the State. And it shall be the duty of the solicitor representing the State, in the circuit court for the county having jurisdiction of such offence, to prosecute for every violation of this statute ; and for each conviction had, he shall receive a fee of twenty-five dollars, to be taxed and collected in the same manner as are other fees allowed that officer."

On motion of Mr. Robinson, the consideration of the bill and amendments, was postponed till Saturday at 12 o'clock, m.

#### REPORTS OF STANDING COMMITTEES.

Mr. Hamilton, from the Judiciary Committee, reported favorably to the bills—

S. B. 497. To provide for the payment of the expenses in the educational system of the State.

S. B. 128. To amend section 1386 of the Revised Code ;  
Which were severally read the third time, under a suspension of the constitutional rule, and passed.

Mr. Hamilton, from same committee, reported a substitute for the bill—

S. B. 498. For the relief of Joseph Q. Neno, of the county of Mobile.

The title of the substitute is as follows :

S. B. 498. To amend section 2354 of the Revised Code.

The substitute was adopted, the constitutional rule suspended, the bill read the third time and passed.

Mr. Hamilton, from same committee, reported a substitute for the bill—

S. B. 499. To authorize Charles T. Abercrombie, administrator of Anderson Abercrombie, deceased, of Russell county, to sell land at private sale.

The title of the substitute is—

S. B. 449. To enlarge the powers of the courts of probate of this State, about the sales of real property by executors, administrators and guardians.

The substitute was adopted, the bill read the third time, under a suspension of the constitutional rule, and passed.

Also, favorably with an amendment to the House bill—

H. B. 261. To enable private corporations to dissolve their charters and to wind up their corporate affairs.

Amend by adding to the sixth section, the words : “ Provided the chancellor may, in his discretion, authorize the receiver to sell any or all of the debts, and assets of such corporations, at public sale for cash, or on such terms as, in his judgment, the interest of the parties may require, without attempting their collection by suit.”

The amendment was adopted, the bill read the third time, under a suspension of the constitutional rule, and passed, and ordered to the House.

Also, favorably, with a substitute, for the bill—

S. B. 84. To compel probate judges, circuit clerks, and sheriffs to perform the duties required by law in drawing and summoning grand, petit, tales and special jurors.

The caption of the substitute is—

S. B. 84. To regulate the term of service of jurors.

Pending the consideration of the bill, the hour of 12 o'clock having arrived, the Senate proceeded to the consideration of the

#### SPECIAL ORDERS.

Mr. Grayson, from the select committee to which was referred the bill—

S. B. 487. For the relief of the tax collectors of Madison, Lauderdale and Limestone counties ;

Asked that the report of the committee be made the special order for 12o'clock, m., to-morrow morning, as the committee was not ready to report.

The time was granted.

The next special order was the bill—

S. B. 382. To divide the State into eight Congressional districts.

The bill was read the third time.

Mr. Black moved to recommit the bill.

On motion of Mr. Coleman, the motion was tabled.

Mr. Martin of Conecuh, moved to recommit to a select committee of one from each Congressional district.

Mr. Cobb moved to lay on the table.

Lost. Yeas 13—nays 14.

Those who voted in the affirmative are—

Messrs. Cobb, Coleman, Cooper, Edwards, Grayson, Hamilton, Harris of Lee, Inzer, Martin of Tuscaloosa, Moore, Parks, Robinson and Terrell—13.

Those who voted in the negative are—

Messrs. Black, Curtis, Dereen, Driesbach, Farden, Glass, Golson, Green, Harris of Russell, Leftwich, Martin of Conecuh, Royal, Snodgrass and Walton—14.

The vote being taken on the motion to recommit, it was lost. Yeas 11—nays 17.

Those who voted in the affirmative are—

Messrs. Black, Curtis, Dereen, Farden, Glass, Golson, Green, Harris of Russell, Leftwich, Martin of Conecuh, and Royal—11.

Those who voted in the negative are—

Messrs. Cobb, Coleman, Cooper, Cunningham, Driesbach, Edwards, Grayson, Hamilton, Harris of Lee, Inzer, Martin of Tuscaloosa, Moore, Parks, Robinson, Snodgrass, Terrell and Walton—17.

The bill passed. Yeas 17—nays 11.

Those who voted in the affirmative are—

Messrs. Cobb, Coleman, Cooper, Cunningham, Driesbach, Edwards, Grayson, Hamilton, Harris of Lee, Martin of Tuscaloosa, Moore, Parks, Robinson, Snodgrass, Terrell and Walton—17.

Those who voted in the negative are—

Messrs. Black, Curtis, Dereen, Farden, Glass, Golson, Green, Harris of Russell, Leftwich, Martin of Conecuh and Royal—11.

Mr. Edwards moved to reconsider the vote by which the bill passed.

On motion of Mr. Robinson, the motion was tabled.

Yeas 17, nays 11.

Those who voted in the affirmative are—

Messrs. Cobb, Coleman, Cooper, Cunningham, Driesbach, Edwards, Grayson, Hamilton, Harris of Lee, Inzer, Martin of Tuscaloosa, Moore, Parks, Robinson, Snodgrass, Terrell and Walton—17.

Those who voted in the negative are—

Messrs. Black, Curtis, Dereen, Farden, Glass, Golson, Green, Harris of Russell, Leftwich, Martin of Conecuh and Royal—11.

#### ENROLLED BILLS.

Mr. Dereen, from the Committee on Enrolled Bills, reported the following correct :

S. B. 348. An act to amend a portion of section one of an act, “approved August 11, 1868,” entitled an act to amend an act to incorporate the Mobile Mutual Insurance Company, approved February 6, 1866, so as to enable said Mobile Mutual Insurance Company to reduce its capital stock.

#### MESSAGE FROM THE GOVERNOR,

By his Private Secretary,

STATE OF ALABAMA,  
EXECUTIVE DEPARTMENT,  
MONTGOMERY, Feb. 3, 1875.

Mr. President :

The Governor has approved the following bill, which originated in and passed the Senate :

S. B. 348. An act to amend a portion of section one of an act, approved August 11, 1868, entitled an act to amend an act to incorporate the Mobile Mutual Insurance Company, approved February 6, 1866, so as to enable said Mobile Mutual Insurance Company to reduce its capital stock to \$175,000.

S. B. 105. An act to provide for holding special terms of the circuit court.

S. B. 396. An act to repeal an act for the protection of plantations and lands against the depredations of stock in Lowndes county, so far as relates to Sandy Ridge and Farmersville beats, approved December 31, 1868.

S. B. 200. To amend section three of an act entitled, an act to amend the charter of the city of Talladega, approved



February 8, 1872, and to repeal all laws in contravention thereto.

S. B. 192. An act for the relief of Seaburn A. Edwards, of Perry county, as administrator of A. McMahan.

Very respectfully,  
L. R. DAVIS,  
Private Secretary.

Mr. Hamilton, from the joint committee, made the following report :

To the Hon. President of the Senate, and  
Speaker of the House of Representatives:

The special joint committee of the two Houses to which, under a joint resolution, was referred Senate bill to be entitled, an act to provide for the calling of a convention to revise and amend the Constitution of this State ;

Also, Senate joint resolutions proposing amendments to the Constitution ;

Also, Senate joint resolutions providing for the calling of a convention for the purpose of altering or amending the Constitution of the State of Alabama ;

Also, House joint resolutions providing for the holding of a Constitutional convention ;

Also, House joint resolution to submit amendments to the Constitution of this State to the people at the next general election ;

Respectfully report that they have had under consideration the subject of the said bill and joint resolutions, and submit the accompanying bill as a substitute for Senate bill first named, and recommend the passage of said substitute. They further recommend that the several joint resolutions above named lie on the table.

Your committee respectfully ask leave hereafter to present in more extended report the reasons which, in their judgment, support the can of a convention for the revision of the Constitution.

P. HAMILTON,  
Chairman Senate Com.  
H. PURCELL,  
Chairm's House Com.

## REPORT :

To the President of the Senate and  
Speaker of the House of Representatives  
of the State of Alabama :

The joint committee of the two Houses to which were referred, by joint resolution, the several bills and joint resolutions which have been introduced into the General Assembly, having in view the amendment of the Constitution of this State—some by way of amendments to be voted on by the people at the next general election, and some by the agency of a convention charged with the duty of revising and amending the Constitution in the parts which have proved to be defective — have had the subject under careful consideration and herewith report to your honorable bodies a bill for the calling of a convention to revise and amend the Constitution.

The Constitution allows but two modes of amendment—the one by means of proposals suggested by resolution of the General Assembly for the consideration of the electors, and to be by them voted upon at a general election ; the other by the call of a convention of delegates from the people, to be charged with the duty of considering and adopting amendments. It is evident that by the former mode, the judgment of the people can be satisfactorily ascertained only when the desired amendment consists of single matters which can be readily expressed in simple propositions, and easily incorporated into the instrument, if adopted, so as to be in entire harmony with its other provisions.

If the needed amendments are numerous, or materially affect the scheme, as already expressed in the existing Constitution, great caution is required and a careful consideration is necessary of the language that should be used, in order to prevent inconsistencies and secure that harmony which is absolutely essential to the operations of government.

This can be attained only by a revision of the language and provisions of the whole instrument, and manifestly requires the deliberation of wise men, charged with the specific duty of framing the several parts, so that harmonious action may be certainly obtained. It must be the work of a convention.

Your committee, after an anxious consideration of the subject in all its bearings, have come to the conclusion that the best interests of the State require that the present Constitution of the State should be submitted to such revision, in or-

der that it may be made consistent with itself and be put in harmony with the condition of the people, and enable them to develop by their own natural and easy efforts, their own good government and prosperity.

The present constitution was framed under influences not favorable to a calm consideration of the institutions of government. It was not accepted by a very large portion of the people of this State, who abstained from voting as a means of expressing their dissent thereto. Their silence was intended to be, and was expressive of their distrust in its fitness to be the organic law of the State: it was invited by the terms of the act under which the constitution was authorized to be framed. Whether right or wrong in the course they then pursued, it is not seemly or wise that their silence, which was the authorized expression of their dissent, should be taken and held to be approval of that which they condemned. They have views in the conduct of public affairs which should be heard, and until they be so recognized, there will remain a lurking sense of injustice in being compelled to live under a State Constitution in the formation of which they had no part. The exhibition of a liberal regard to the interest and feelings of all the people ; and full opportunity accorded to them to present their views, are conditions on which alone an American community, trained in the traditions of their ancestors, can be expected to yield a cheerful and hearty support to the institutions under which they are called to live.

The passions of that period have largely subsided, and better influences now prevail, more accordant with the temper which should prevail when the institutions of the country are to be considered.

The present constitution has been recognized as being in force since July, 1868, and has developed grave defects. But few of our people who have paid any attention to its operation, have been satisfied with it. The great ends of government have been secured by it ; no one of the great duties for which government is established among men, has been performed under its influence, in the spirit in which they should be performed. Many of its provisions are extracts from the constitutions of other States, badly put together, forming an incongruous whole, and not suited to the wants of our people. The State has grown poorer, while the taxes have been heavier. The debt of the State has been increased to an enormous extent, and no commensurate advantage has been gained to which the people can point as the consideration for this load of debt. The State has no public improvements by which the people have been benefitted. It

is full of the wrecks of railways and of other enterprizes, which but too well correspond with the wreck of its credit and the destruction of its resources. Its schools and colleges are not flourishing, through a heavy burthen is annually laid upon the people and property of the State for their support. The public justice of the country is not promptly and efficiently enforced, through all the machinery of courts and magistrates, and jails and public prisons, is maintained at heavy cost to the people.

These irregularities bespeak institutions which are not effective to maintain good government, and assuredly call upon us to consider our condition and whether it can not be improved ; they call for a general review of the agencies by which good government is to be secured, and not for the alteration or amendment of any mere part. The whole machine is out of order, and requires general and thorough repair.

A system of public education of the youth of the State is important, and worthy to be secured at great expense ; but it cannot be secured without good government, and of necessity is secondary to that. Without a good government schools can not exist : they require the agency and protection of government. No plea for schools can be made, superior to the plea for good government. The latter is the support of the former. The parent who demands the education of his children, by that very demand calls for that agency of society which protects his and their lives, his liberty, his property and the well being of his family, against the acts of bad men, in order that such education of his children may proceed. These are the duties of government — for which it exists over and among the people of the State. Thus it is, that education and good government must go hand in hand, that the former may be enjoyed. Education thus becomes one of the functions of good government, one of the duties it is established to perform among the people, for whose good it is created. But no duty can be properly performed by any person, or any agent, if the power required for its performance be taken from such person or agent and given to another.

Yet this is precisely what has been done by the present constitution. Instead of charging the government of the State with the duty of educating the people, it has charged another agency with that duty ; and thus a public duty, which should be performed in harmony with all the public interests, has been confided to a body of officers, who have no responsibility as to the general well being of the people, but simply

the one subordinate thing of providing for the school system. The more earnest and active this magistracy may be in the performance of their own duty, the more likely that injury will be inflicted on other public interest ; for their zeal in the one good cause, is not tempered with that wise consideration of other necessary subjects of public concern which is required, because they are beyond the domain of their duty, and are confided to another set of officers. The results, of necessity, is that a want of harmony has become developed, and in place of unity of purpose, and a corresponding unity of plan and action, which the public good requires should always attended the administration of public affairs in all their departments, a system of antagonism, not all intentional, it is true, has inevitably arisen ; and either the education of the people, or the administration of their justice, the enforcement of their laws, and their protection from wrong and injury — the one or the other must give way. A power, such as the board of education, distinct and separate from the general legislative power of the State, can not safely co-exist in the same commonwealth—it is an anomaly in government—and sooner or later such a system must result in a condition of governmental paralysis. The State is now on the verge of that condition, and the only remedy is the restoration of the whole legislative power to one body of magistracy. This system has been tried in other States, and there, as here, it proved to be an incubus on the government, and public necessity forced its abolition.

The removal of the board of education from our system of government is a very different thing from the destruction of the common schools. This latter is not at all involved in the suggestion. Your committee fully appreciate the value—indeed, the necessity — of a wise and liberal system of public education. It lies at the base of a republican form of government, and is one of its best and surest supports. Any amended constitution which may be framed, should charge the government of the State with the duty of maintaining the public schools and of expanding and enlarging the systems as the revenues of the State will permit, until all the children of the people shall have the means of receiving that amount of education which the dignity of their position as a free people demands. But this should be made the duty of the General Assembly, in connection with a constitutional officer as their agent, and not conferred upon any separate and distinct body of men as the sole function of their office.

Another subject which requires grave attention is the organization of the courts of justice, and the administration of the

law. The constitution provides for circuit, chancery, and probate courts, to consist of one judge, and declares the number of counties which may be combined to make a judicial circuit. There is no power of expansion allowed to the system. Experience has shown that in some of the circuits, this system does not furnish enough working power to transact all the business of those circuits, while in others the judges are not fully employed. A remedy for this defect has been sought in the creation of local courts ; such courts are, however, but the creatures of the legislature, and can be abolished by the same authority. The administration of justice is thus left insecure and fluctuating. The courts should be the most stable of all the agencies of government, and should be filled by the best men of the State, or of the district over which they exercise jurisdiction. Their duty is concerned with the principles of right and wrong and with the dictates of justices, and not with the temporary discussions of political parties. Such desirable and necessary stability will not be attained so long as courts are left at merely legislative discretion and subject to the influences of party politics.

The smaller the districts of country, from which judicial officers are to be selected, the larger the influence of local prejudice, and the more powerful the influence of men who may have an interest in the judicial office being filled by certain men, or men from certain classes of the community. The larger the area of country, and the more numerous the people from whom the election or appointment is to be made, the less powerful will be the operation of local influences prejudicial to the just and impartial administration of the laws of the land, and the punishment of guilty men. The people have no interest in disorder, nor in the selection of incompetent men for the discharge of public duty : their real voice is always for truth, when that voice can be ascertained, and it is separated from the noise of interested men, who attempt to cover their own machinations for private ends, under the appearance and with the forms of public approval. The public justice is not the judgment of mere localities, it is the common sentiment of all the people who make up the community ; it is the sentiment and judgment of each and all by virtue of that quality which makes them men. The judgment of smaller societies of the community are not so free from the prejudices and infirmities of our nature, as is that derived from the judgment uttered by larger communities.

No principle is more plainly demonstrated in the history of civilization than that the judges of the land should be removed as far as possible from all influences that will affect their

judgments or impair their impartial independence. They should be free from all interference directly or indirectly, whether by fear or hope of reward, both from the government and from the people, whether collectively or singly, or in associated bodies. The full performance of their duty is to be secured only by their perfect independence ; and that is to be obtained only by their being above all anxiety as to the effect their honest performance of duty may have on their terms of office. If the judges of the land commit crime, or are derelict in duty, the consequence should be punishment—inflicted as punishment. Popular disapproval existing in limited district, which be but temporary and unjust, the result of prejudice, or but improper knowledge of the merits of the case, should not have the effect of punishment justly enforced.

The complaints which have been heard of the inefficiency, to say no worse, attending the administration of justice, connected with the considerations just presented, seem to point to the necessity of a re-organizations of the judicial system of the State upon some basis other than that now existing. It is not for this committee to indicate the mode in which these defects should be removed, and the benefits of an improved system be secured to the good people of the State in an amended constitution. The existence of the objections above suggested, is the argument the committee submit for the revision they feel compelled by the highest sense of duty to their fellow-citizens, to recommend.

The subject is of the greatest importance to the well being of the State, while to some sections it is a matter of good government itself, and can be properly and wisely considered only by the convention which your committee advise to be called.

Another element of public duty in good government is that its action should be confined to the proper functions of government, while it should protect the citizen and encourage the development of the wealth of the State by wise laws, and so invite to enterprise, and the general improvement of the State, it should not directly or indirectly embarrass its own operations, or burthen its people with undertakings in which less than the whole are concerned. The present constitution fails in these respects : While in words it forbids the State to engage in works of internal improvement, it yet authorizes the loan of its credit to private companies, on a security to be judged of by the general assembly, and so in fact invites bribery and corruption to be practiced by designing men upon the law makers of the State. The result has been, as might

well have been foreseen and predicted, that millions of debt have been contracted in aid of railroads, without proper control being reserved to the State over these roads, without any system, without regard to the direction or purpose for which they should be constructed, and without consideration of their The public credit has thus been placed at the mercy of any set of men who proposed to build a railroad in any direction they pleased, as if a farm were to be improved by cutting paths and roads through it, without regard to their necessity or convenience as a means of transporting its produce, until it seems as if the only protection the State had against destruction was the fact that its credit was destroyed.

Another objection to the present constitution is the creation of unnecessary offices, not required for the public service, as for example, the office of lieutenant-governor, the commissioner of industrial resources, and the cumbrous board of education already mentioned.

These remarks point to but a few of the disadvantages brought upon the State and fastened upon her by the existence of the present constitution. They are so intimately connected with the frame of that instrument that they cannot be removed and proper provision substituted except by a revision and amendment of the whole scheme. Other weighty objections might readily be named, but these are sufficient, in the judgment of your committee, to show the pressing necessity of an early and thorough revision of this, the organic law of the State, if our citizens desire that their government shall be placed on such footing that their local State affairs can be carried on by their own selected agents on such scale of expenditure, and on such principles, as will secure to themselves and their children the benefits which their State government should give.

Your committee use the term "revision," because, in their judgment, no mere amendments by piecemeal will meet the exigency of the case, and because reform by way of amendment proposed in the mode prescribed by the first paragraph of section 1, article xvi., of the present constitution, for vote at the next general election, if practicable, would consume an unnecessary length of time, and then ensure less improvement than the people have the right to demand shall be inaugurated by this general assembly.

The only elective mode of removing the evils which exist, and of securing to the good people of this State the advantages of a proper constitution, seems, to the committee, to be by the agency of a convention, whose members shall be



elected solely for that purpose, and charged with the duty of taking the subject, in all its bearings, into careful consideration, untrammelled with the cares of general legislation. Such convention can deliberate upon each and all the subjects which the welfare of the people of the State requires to be discussed, and so frame the machinery of government that it will work harmoniously to secure the good of all her citizens and cause the benefits which a wise system of government can give to be extended to all—whether of education, protection, security or encouragement. In this manner only does it seem practicable to obtain the establishment of a government so framed that the rights and liberties of the people of the State may be provided for and protected; and yet, as far as lies in human power, with such restraints that it may be confined to the course proper for government and prevented from working oppression and injustice to any of the citizens. Such revision requires the deliberation of good men, who shall be selected from the people, charged to consider the whole subject in the light of experience, and in view of the wants and necessities of the citizens and their true interests, to frame such a constitution as will enable the State to become relieved of the burthens now resting upon it and paralyzing its energies. In view of these considerations your committee do not hesitate to recommend the calling of a convention as far preferable to any attempt on the part of the general assembly to propose amendments to the vote of the electors at the next general election, which is the only alternative within its reach.

Your committee farther recommend that the act for this purpose shall provide that the right of electors, as now declared by the constitution and laws, shall not be impaired, but shall be confirmed ; that the right of persons now in office, under a constitutional tenure of office, shall remain untouched during the continuance of the term for which they were elected or appointed, and that the duty of educating the children of all the citizens shall be recognized and provided for in the revised constitution, in such manner that they shall be instructed in their rights, and in their responsibilities, and be prepared for the discharge of their functions and the enjoyment of their privileges of freemen under republican institutions.

Your committee recognize the great change in the condition of affairs which has resulted from the late war in the emancipation of a large portion of the population of the State from bondage, and the grant to them of political rights. No desire exists to ignore that fact, or deny its necessary conse-

queues, and there is no intention to curtail, in any respect, the rights so acquired. On the contrary, an earnest purpose is to make the rights so conferred upon that class of our people of benefit to themselves and to the whole community ; so to direct the political organization of the State that these rights shall be fully protected, and at the same time that their possessors, by proper education, may be trained to exercise their rights wisely and with knowledge, to the common advantage of the whole community.

The best interests of that class of our people require that they should become in fact, as well as in name, citizens, and not remain a clan ; that they should be organized as citizens of the whole State and not be associated on any principle of less extent than will apply to the whole commonwealth, nor confide in leaders with purposes less wide than will embrace the improvement of the whole population of the State.

It is in recognition of these views, and largely with the hope to effect such good result, that a convention to revise and amend the constitution is recommended by your committee.

Your committee are aware that the holding of such convention will occasion expense to the State, and well know that the treasury of the State can not afford to meet any unnecessary outlay of money; they acknowledge that one of the most imperative duties imposed on this general assembly, by the condition of the people, is the exercise of a rigid economy. This is all so, but true economy does not consist in the mere present saving of money. True economy consists in seeing that for the expenditure of money a real and valuable equivalent is obtained ; it consist in so using money that the largest possible value may be obtained in return. The value of money springs from its use. and when used for a good, it effects its proper purpose. When a great good has been so obtained, an economical use has been made of it, then true economy has been practiced! The greatest good that can be acquired for any people, is the establishment among themselves of good government, for by its operation the best interests of all are promoted. No wiser economy can be shown by any people than to secure for themselves, at any cost, the blessings of a faithful and correct administration of public affairs in their own interest; the expenditure for such purpose will be economy ; the contrary, will be a contracted parsimony unworthy of a free people. All the cost of a convention to cure the evils that Alabama is now laboring under, will be a trifle indeed, when contrasted with the benefits to be realized by freedom from oppressive taxation, by the impar-

tial administration of law, and by the development of the State and its people to that condition of prosperity and intelligence to which its rightful destiny invites them.

Your committee cannot permit themselves to doubt that the good people of Alabama, with a country rich in all that promises material wealth in the near future, if judicious administration of public concerns can be secured for them and their children, in the spirit of a generous patriotism will disregard as a thing of minor importance the expenditure such a convention will occasion in comparison with the benefits it will purchase. They will not permit themselves, on any such consideration, to remain embarrassed by the operations of a defective and badly contrived and oppressive constitution, which the longer continued, will only the more tend to the injury of themselves and their children ; but taking counsel from the past, and the sad experience of their State, in its load of debt and impoverishment, will select their wise men, and instruct them to consult, and by the study of the constitution of other States, so to amend and revise the constitution of their own State, that they may recognize in it the embodiment of their own wishes, and the protector of their own true interests.

Their right to manage their own affairs calls upon each citizen to disregard all minor questions and unite with earnest and patriotic purpose to obtain what is their birth-right, a well adjusted system of State government, consistent with itself, and calculated to meet the wants and advance the prosperity of the State in which Providence has cast his lot.

Your committee herewith report the accompanying bill, to be entitled "an act to provide for the calling of a convention to revise and amend the constitution of the State," and recommend its passage.

Respectfully submitted.

P. HAMILTON,  
Chairman Senate Committee.

H. PURCELL,  
Chairman House Committee.

The caption of the substitute is as follows:

S. B. 254. To provide for the calling of a convention to revise and amend the constitution of this State.

Mr. Farden moved that the report and bill lie on the table, and that 150 copies be printed.

On motion of Mr. Robinson, the motion was tabled.

Mr. Robinson moved that the report and bill be made the

special order for Monday, the 8th of February, at 11 o'clock a.m.

The motion prevailed.

Mr. Robinson moved that 500 copies of the report and bill be printed for the use of the Senate.

Mr. Farden moved to amend by ordering 1,000 copies printed.

On motion of Mr. Coleman, the motion was tabled.

Mr. Farden moved to lay on the table, the motion to print 500 copies;

Lost.

Mr. Farden moved that 5,000 copies be printed.

On motion of Mr. Coleman, the motion was tabled.

Mr. Black moved to adjourn ;

Lost.

The motion to print 500 copies prevailed.

Mr. Farden moved to adjourn ;

Lost.

The Senate resumed the consideration of the substitute for the bill—

S. B. 84. To compel probate judges, circuit clerks, and sheriffs, to perform the duties required by law, in drawing and summoning grand, petit, tales, and special jurors.

The substitute was adopted.

Mr. Farden moved to amend by striking out "one week," and inserting "two weeks."

On motion of Mr. Parks, the amendment was tabled.

The constitutional rule was suspended, the bill read the third time, and passed.

Mr. Coleman, from the Committee on Education, reported back the—

Report of Dr. I. T. Tichenor, President of the Agricultural and Mechanical College of Alabama,

And moved that it be accepted.

The motion prevailed.

Mr. Farden moved to reconsider the vote by which the report was accepted.

Mr. Coleman moved to lay the motion on the table ;

Lost—yeas 13, nays 13.

Those who voted in the affirmative are—

Messrs. Cobb, Coleman, Cooper, Driesbach, Edwards, Hamilton, Harris of Lee, Harris of Russell, Martin of Conecuh, Moore, Robinson, Snodgrass and Walton—13.

Those who voted in the negative are—

Messrs. Black, Cunningham, Curtis, Farden, Glass, Grayson,

Green, Inzer, Leftwich, Martin of Tuscaloosa, Parks, Royal and Terrell—13.

On motion of Mr. Snodgrass at 3 o'clock the Senate adjourned till quarter past 10 o'clock, to-morrow morning.

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THURSDAY, February 4, 1875.

The Senate met pursuant to adjournment.

Prayer by Rev. Dr. Jacobs.

Present—

Messrs. Black, Cobb, Coleman, Cunningham, Curtis, Driesbach, Edwards, Farden, Glass, Grayson, Hamilton, Haralson, Hams of Lee, Harris of Russell, Inzer, Jones, Leftwich, Martin of Conecuh, Martin of Tuscaloosa, Moore Parks, Royal, Snodgrass and Walton—24.

The journal of yesterday was read and approved.

#### CALL OF THE DISTRICTS.

Bills were introduced:

By Mr. Coleman—

S. B. 520. To prohibit persons having an interest in personal property as tenants in common, or as part owners thereof and lessees of land from removing certain property ;

Which was read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Local Legislation.

Also,

S. B. 521. To repeal an act to amend section 4063 of the Revised Code of Alabama, approved December 31, 1868.

By Mr. Hamilton—

S. B. 627. To amend "an act to constitute the purchasers of any railroad hereafter sold under authority of any law of this State a body corporate and politic," approved December 17, 1873, and to declare the meaning and intendment of the word "purchasers," as used therein ;

Which were severally read the first and second times, under a suspension of the constitutional rule, and referred to the Judiciary Committee.

By Mr. Edwards—

S. B. 522. To amend "an act to prohibit the selling of vinous, spirituous, or malt liquors, or intoxicating bitters, within three miles of Piney Grove Christian Church, and school house, in Morgan county ;

Which was read the first, second and third times, under a suspension of the constitutional rule, and passed.

By Mr. Cobb—

S. B. 523. To encourage the sale of the Wheeler & Wilson Sewing Machine to the people of this State, and to fix the license thereon ;

Which was read the first and second times, under a suspension of the constitutional rule.

Mr. Terrell moved to substitute "\$500" for "\$300."

Mr. Farden moved to add "Singer Sewing Machine."

The bill and amendments were referred to the Judiciary Committee.

By Mr. Black—

S. B. 524. To amend "an act to establish a new charter for the city of Eufaula ;

Which was read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Municipal and County Organizations.

By Mr. Farden—

S. B. 525. To compensate coroners for services while acting as sheriff;

Which was read the first, second and third times, under a suspension of the constitutional rule, and passed, and ordered to the House without engrossing.

Mr. Terrell moved to reconsider the vote ordering the bill to the House.

Mr. Farden moved to table the motion ;

Lost.

The vote was reconsidered.

On motion of Mr. Terrell, the vote by which the bill passed was reconsidered.

#### MESSAGE FROM THE HOUSE,

By Mr. Whitman:

#### HOUSE OF REPRESENTATIVES,

February 4, 1875.

Mr. President:

The House has passed the following Senate bill:

S. B. 31. To abolish the criminal court of the county of Dallas, and to transfer all the causes therein pending, together with all the dockets, papers and books of said criminal court to the circuit court of Dallas county, Alabama.

And has originated and passed the following bills:

H. B, 467. To amend an act to incorporate the Southern

Military Academy, approved February 3, 1861, and to amend an amendment thereof, approved December 9, 1861.

H. B. 466. To fix the times of holding the circuit courts of the eleventh (11) judicial circuit.

The House has passed, with an amendment, the Senate bill—

S. B. 475. For the relief of the teachers of free public schools in the county of Montgomery.

ELLIS PHELAN,  
Clerk,

By Mr. Martin of Tuscaloosa—

A petition from citizens of Sanford county, asking that every citizen be allowed to distill five gallons, and every practicing physician twenty-five gallons of pure whisky ;

Which was referred to the Temperance Committee.

By Mr. Hamilton—

S. B. 526. To fix the term of office of the aldermen of the city of Mobile, and provide for filling vacancies therein ;

Which was read the first, second and third times, under a suspension of the constitutional rule, and passed, and ordered forthwith to the House.

Mr. Cunningham, from the Finance Committee, reported a substitute for the bill—

S. B. 435. To amend section 957 of the Revised Code.

Mr. Farden moved to postpone the further consideration of the bill and substitute till next Monday at 12 o'clock, m.

Lost.

The hour of 12 o'clock having arrived, the Senate proceeded to the consideration of the

#### SPECIAL ORDERS.

The substitute reported by the committee for the bill—

S. B. 381. To regulate elections in the state of Alabama,  
Was adopted.

Mr. Parks moved that the further consideration of the bill be postponed till 12 o'clock, m., to-morrow.

Mr. Farden moved to amend the motion by making the time Monday 12 o'clock.

Lost.

The consideration was postponed till 12 o'clock to-morrow.

The next special order was the report of the select committee on the bill—

S. B. 487. For the relief of the tax collections of Madison, Lauderdale and Limestone counties.

Mr. Grayson, from said committee, reported a substitute for the bill, with the following caption :

S. B. 487. For the relief of the tax collectors of this State ;  
Which was adopted.

Mr. Terrell moved to amend by adding to the third section the words, " a certified copy of which shall be evidence in any court in this State."

The amendment was adopted.

Mr. Cobb offered the following, to be added to the second section, "Provided, such tax collectors shall not have been, or may not be removed from office in the manner and for the causes provided by law."

On motion of Mr. Terrell, the further consideration of the bill was indefinitely postponed. Yeas 15, nays 11.

Those who voted in the affirmative are—

Messrs. Black, Cunningham, Curtis, Dereen, Farden, Glass, Green, Haralson, Harris of Russell, Inzer, Leftwich, Royal, Snodgrass, Terrell and Walton—15.

Those who voted in the negative are—

Messrs. Cobb, Coleman, Driesbach, Edwards, Grayson, Hamilton, Harris of Lee, Martin of Conecuh, Martin of Tuscaloosa, Moore and Parks—11.

Mr. Terrell moved that the order of business be suspended to allow him to introduce a bill.

Lost.

Mr. Curtis moved to suspend to take up a certain Senate bill, which had been amended in the House.

Lost.

The Senate resumed the consideration of the bill—

S. B. 435. To amend section 957 of the Revised Code;

The substitute was adopted.

On motion of Mr. Hamilton, the following amendments were adopted :

Change " fifty " to " twenty," in the 12th and 14th lines of the 5th page;

Add after the word "State " in the 4th line from the bottom of the 5th page, the words "But this tax shall be collected but once from any bank, insurance or exchange company chartered by other States and doing business by agency in this State."

Mr. Robinson moved to strike out " sixty" and insert "forty-five," in the paragraph relating to the poll tax.

Mr. Curtis moved to table the amendment.

Lost. Yeas 11, nays 15.

Those who voted in the affirmative are—

Messrs. Black, Cobb, Cunningham, Curtis, Dereen, Dries-



bach, Farden, Glass, Hamilton, Jones and Martin of Conecuh—11.

Those who voted in the negative are—

Messrs. Coleman, Cooper, Edwards, Green, Harris of Lee, Harris of Russell, Inzer, Leftwich, Martin of Tuscaloosa, Parks, Robinson, Royal, Snodgrass, Terrell and Walton—15.

Mr. Farden moved to amend the proposed amendment by striking out "forty-five" and inserting "fifty."

Mr. Robinson moved to table the amendment to the amendment.

Lost. Yeas 11, nays 15.

Those who voted in the affirmative are—

Messrs. Driesbach, Edwards, Green, Harris of Lee, Inzer, Leftwich, Martin of Tuscaloosa, Parks, Robinson, Royal and Snodgrass—11.

Those who voted in the negative are—

Messrs. Cobb, Coleman, Cooper, Cunningham, Curtis, Dereen, Farden, Glass, Hamilton, Haralson, Harris of Russell, Jones, Martin of Conecuh, Terrell and Walton—15.

The amendment to the amendment was adopted.

The amendment was then adopted, the constitutional rule suspended, the bill read the third time and passed.

Mr. Inzer, from the Committee on Privileges and Elections, reported favorably to the bill—

S. B. 456. To amend the election laws and prescribe the mode of registration.

On motion of Mr. Robinson, the words " or ward," were inserted after the word " precincts" wherever it occurs in the bill.

On motion of Mr. Dereen, 150 copies were ordered to be printed.

On motion of Mr. Coleman, the bill was made the special order for Monday 12 o'clock, m.

Mr. Farden moved to adjourn.

Lost. Yeas 9, nays 18.

Those who voted in the affirmative are—

Messrs. Dereen, Glass, Leftwich, Martin of Conecuh, Martin of Tuscaloosa, Robinson, Snodgrass, Terrell and Walton—9.

Those who voted in the negative are—

Messrs. Cobb, Coleman, Cooper, Cunningham, Driesbach, Edwards, Farden, Grayson, Green, Hamilton, Haralson, Harris of Lee, Harris of Russell, Inzer, Jones, Moore, Parks and Royal—18.

Mr. Parks moved to suspend the order of business to take up a certain Senate bill amended by the House.

Lost.

Mr. Hamilton, from the Judiciary Committee, reported a substitute for the bill—

S. B. 358. To authorize trustees to make investments of trust funds beyond this State.

The substitute was adopted, read the third time, under a suspension of the constitutional rule, and passed.

Mr. Hamilton, from same committee, reported a substitute for the bill---

To repeal an act approved December 3, 1868.

S. B. 85. " To amend section 4063 of the Revised Code of the State of Alabama."

The caption of the substitute is as follows:

S. B. 85. In relation to the formation of grand and petit, juries.

The substitute was adopted.

On motion of Mr. Parks, the further consideration of the bill was postponed till Wednesday next, at 12 o'clock, m.

On motion of Mr. Haralson, 150 copies of the bill were ordered printed.

Mr. Hamilton, from the same committee, reported favorably to the bill—

S. B. 82. To amend section 4087 of the Revised Code.

The constitutional rule was suspended, the bill read the third time and passed.

On motion of Mr. Farden, at a quarter before 3 o'clock, the Senate adjourned till quarter-past 10 o'clock to-morrow.

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FRIDAY, February 5, 1876.

The Senate met pursuant to adjournment.

Prayer by Rev. Dr. Jacobs.

Present—

Messrs. Cobb, Coleman, Cooper, Cunningham, Curtis, De-reen, Driesbach, Edwards, Grayson, Glass, Golson, Green, Hamilton, Harris of Lee, Harris of Russell, Inzer, Jones, Leftwich, Martin of Conecuh, Martin of Tuscaloosa, Moore, Parks, Royal, Snodgrass, Terrell and Walton—25.

The journal of yesterday was read and approved.

On motion of Mr. Snodgrass, the vote was reconsidered by which the bill—

S. B. 487. For the relief of the tax collectors of this State, was indefinitely postponed. Yeas 18, nays 8.

Those who voted in the affirmative are—

Messrs. Cobb, Coleman, Cooper, Cunningham, Dereen, Driesbach, Edwards, Grayson, Hamilton, Harris of Lee, Inzer, Martin of Conecuh, Martin of Tuscaloosa, Moore, Parks, Snodgrass, Terrell and Walton—18.

Those who voted in the negative are—

Messrs. Curtis, Glass, Golson, Green, Haralson, Jones, Leftwich and Royal—8.

The bill was recommitted to the Committee on Revision of Laws, with instructions to report immediately after the reading of the journal on Monday next.

#### CALL OF THE DISTRICTS.

Bills were introduced:

By Mr. Coleman—

S. B. 527, To amend section 3612 of the Revised Code;

Which was read the first and second times, Under a suspension of the constitutional rule, and referred to the Committee on Revision of Laws.

Also,

S. B. 528. To provide Summary remedies against defaulters to the public school fund.

Also,

S. B. 529. To revise and amend " an act to keep in each county of this State a proportionate share of the public school money," approved April 19th, 1873.

By Mr. Moore—

S. B. 530. To amend section 3390 of the Revised Code ;

Which were severally read the first and second times, under a suspension of the constitutional rule, and referred to the Judiciary Committee.

By Mr. Cooper, with petition—

S. B. 531. To prohibit the sale of vinous or spirituous liquors within two miles of Robertson's Shop, near Talladega Springs, in Talladega county;

Which was read the first, second and third times, under a suspension of the constitutional rule, and passed.

By Mr. Terrell—

S. B. 532. To amend section 80 of an act to establish revenue laws for the State of Alabama, approved December 31st; 1868;

Which was read the first and second times, under a suspension of the constitutional rule.

Pending the consideration of the bill, the hour of 11 o'clock having arrived, the Senate proceeded to take up the

## SPECIAL ORDERS.

The bill was taken up—

S. B. 460. To amend section one of an act to provide for the finding of the domestic debt of this State, approved December 19th, 1873.

The question being on the adoption of the amendment offered by Mr. Robinson;

Mr. Hamilton moved to postpone till 12 o'clock, Tuesday.

Lost.

Mr. Harris of Russell, by leave, struck Russell county from the amendment.

On motion of Mr. Terrell, the amendment was laid on the table.

Mr. Martin of Tuscaloosa, moved that Tuscaloosa, Sanford and Fayette counties be excepted from the provisions of the bill.

On motion of Mr. Terrell, the motion was tabled. Yeas 22—nays 6.

Those who voted in the affirmative are—

Messrs. Cobb, Coleman, Cooper, Cunningham, Curtis, Driesbach, Edwards, Farden, Glass, Golson, Green, Haralson, Harris of Lee, Harris of Russell, Inzer, Jones, Leftwich, Martin of Conecuh, Parks, Royal, Terrell and Walton—22.

Those who voted in the negative are—

Messrs. Dereen, Grayson, Hamilton, Martin of Tuscaloosa, Robinson and Snodgrass — 6.

Mr. Robinson moved to amend by adding the following:

"And shall be received by all public officers in payment of amounts due them by the State for their services."

On motion of Mr. Terrell, the amendment was tabled.

Yeas 20—nays 6.

Those who voted in the affirmative are—

Messrs. Coleman, Cooper, Cunningham, Curtis, Dereen, Driesbach, Edwards, Farden, Glass, Golson, Green, Haralson, Harris of Lee, Harris of Russell, Inzer, Jones, Martin of Conecuh, Royal, Snodgrass, Terrell and Walton—21.

Those who voted in the negative are—

Messrs. Cobb, Grayson, Hamilton, Martin of Tuscaloosa, Parks and Robinson—6.

On motion of Mr. Terrell, the words " dues and imposts," were stricken out in the ninth line from the bottom of the first section.

Mr. Hamilton moved to strike out the word "municipal."

On motion of Mr. Terrell, the amendment was tabled.

The constitutional rule was suspended, the bill —

S. B. 460. Read the third time, and passed. Yeas 19—  
nays 7.

Those who voted in the affirmative are—

Messrs. Coleman, Cooper, Cunningham, Curtis, Driesbach,  
Edwards, Farden, Glass, Golson, Green, Haralson, Harris of  
Lee, Harris of Russell, Inzer, Jones, Martin of Conecuh, Roy-  
all, Terrell and Walton—19.

Those who voted in the negative are—

Messrs. Cobb, Dereen, Grayson, Hamilton, Martin of Tus-  
caloosa, Parks and Snodgrass—7.

Mr. Farden moved to reconsider the vote passing the bill ;  
On motion of Mr. Haralson, the motion was tabled.

#### MESSAGE FROM THE GOVERNOR,

By his Private Secretary:

STATE OF ALABAMA,  
EXECUTIVE DEPARTMENT,  
MONTGOMERY, ALA., Feb. 4, 1875.

Mr. President:

The Governor has approved the following bill, which orig-  
inated in and passed the Senate :

S. B. 312. An act to extend the terms of the circuit court  
of Dallas county.

Very respectfully,

L. R. DAVIS,  
Private Secretary.

#### ENGROSSED BILLS.

Mr. Grayson, from the Committee on Engrossed Bills,  
reported the following correct:

S. B. 31. An act to abolish the the criminal court for the  
county of Dallas, and to transfer all the causes therein pend-  
ing, together with all the dockets, papers and books of said  
criminal court to the circuit court of Dallas county, Alabama.

#### MESSAGE FROM THE HOUSE.

By Mr. Whitman:

HOUSE OF REPRESENTATIVES,  
February 5, 1875.

Mr. President :

The House has passed the following Senate bills:

S. B. 109. To prohibit Probate judges, clerks of the circuit

court, and registers in chancery from receiving any fees or allowances out of the county treasury for services rendered in keeping direct and reversed indexes of all books and records in their respective offices.

S. B. 138. To repeal an act entitled " an act to repeal section 1374 in Art. 1 of the Revised Code of Alabama, so far as relates to the counties of DeKalb, Covington, Russell, Cherokee and Madison," approved April 13, 1873, so far as it relates to the county of Madison.

S. B. 162. To prevent any one from knowingly, willfully and without the consent of the owner, taking and carrying away the timber or rails upon any lands within the State.

S. B. 42. To provide for the revision of the rules of the chancery practice.

And has amended as therein shown, and passed Senate bills—

S. B. 33. To amend sections 1 and 3 of an act to confer upon the several chancery courts of this State, power to declare married women free dealers, approved April 15th, 1873.

And has amended by adopting a substitute therefor and passed the Senate bill—

S. B. 116. To amend an act to incorporate the Alabama Oil and Mining Company.

The substitute bearing title—

S. B. 116. A bill to be entitled an act to amend sections 2 and 4 of an act to incorporate the Alabama Oil and Mining Company.

And has originated and passed the following bill—

H. B. 139. To amend section 3706 of the Revised Code of Alabama.

ELLIS PHELAN,  
Clerk.

The next special order was the bill—

S. B. 381. To regulate elections in the State of Alabama.

On motion of Mr. Parks, the following amendment was adopted :

Insert after the word " day," in the eighteenth line of section 40, the words, in a box to be furnished by the sheriff of the county, one or more for each precinct, and to consist of wood, tin or sheet iron, and securely fastened by lock."

On motion of Mr. Parks, section 44 was amended as follows : By striking out all between the word "deputy," in the second line, and the word "or," in the third line, and insert in lieu thereof the following : " The probate judge and clerk of the circuit court shall assemble at the court house. " Insert in the sixth-line, after the word "county," the word "and."

Strike out the word "must," in the ninth line, and insert the words, "and it shall be the duty of the board so constituted, to."

On motion of Mr. Grayson, the words "votes shall have been counted out and so estimated," was stricken out of the twelfth line of section 44, and the following inserted: ". Estimate is made."

On motion of Mr. Cobb, the words "nor more than five" were inserted after the word "one," in the fourth line of section 43. In the same line, after the word "dollars," were added the words "and be confined in the county jail not more than six months."

On motion of Mr. Hamilton, the following words were added to section 30 : "But in all cases where an election is held on the same day, in the same precinct, to fill any office or offices, existing under the constitution or laws of this State, and an office or offices, under the constitution or laws of the United States, the voter must deposit separate ballots ; one to contain the name or names of the person or persons for whom the elector intends to vote, to fill the office or offices under the constitution or laws of the State; the other to contain the name or names of the person or persons for whom the elector intends to vote, to fill the office or offices under the constitution or laws of the United States; and these ballots must be deposited in different boxes, to be provided, as ballot boxes are required to be provided by this act."

Mr. Golson moved to substitute the word "county" for the word "precinct," in the sixth line of section one.

On motion of Mr. Grayson, the motion was tabled—yeas 16, nays 11.

Those who voted in the affirmative are—

Messrs. Cobb, Coleman, Cooper, Cunningham, Driesbach, Edwards, Grayson, Hamilton, Harris of Lee, Inzer, Martin, of Conecuh, Martin of Tuscaloosa, Parks, Robinson, Snodgrass and Walton—16.

Those who voted in the negative are—

Messrs. Curtis, Dereen, Farden, Glass, Golson, Green, Haralson, Harris of Russell, Jones, Leftwich and Royal—11.

Mr. Farden moved that the Senate proceed to the consideration of the bill section by section;

Lost.

Mr. Robinson moved to reconsider the vote adopting the amendment offered by Mr. Hamilton, and moved that the further consideration of the bill be made the special order for Monday next, at 12 o'clock, m.

The motion prevailed.

Mr. Farden moved to adjourn ;

Lost.

Mr. Coleman moved a temporary suspension of the regular business, to allow him to call up a Senate bill amended by the House ;

Lost.

Mr. Golson introduced a bill—

S. B. 533. To amend an act to enlarge the jurisdiction of the county court of Autauga county ;

Which was read the first, second and third times, under a suspension of the constitutional rule, and passed, and ordered to the House.

On motion of Mr. Terrell, at quarter past 2 o'clock, the Senate adjourned.

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SATURDAY, February 6, 1875.

The Senate met pursuant to adjournment.

Prayer by Rev. L. M. Wilson.

Present—

Messrs. Cobb, Coleman, Cooper, Curtis, Dereen, Edwards, Farden, Glass, Golson, Green, Hamilton, Harris of Russell, Inzer, Jones, Leftwich, Martin of Conecuh, Martin of Tuscaloosa, Moore, Robinson, Royal, Snodgrass and Terrell —22.

The journal of yesterday was read and approved.

Leave of absence was granted to Mr. Harris of Lee for one day ; Messrs. Grayson and Haralson for two days, and to Mr. Black for one week.

Messrs. Moore and Robinson were allowed to record their votes in the negative on the passage of the bill—

S. B. 460. To amend section one of an act to provide for the funding of the domestic debt of this State, approved December 19, 1873.

On motion of Mr. Cobb, the order of business was suspended, to take from the House messages, the Senate bill—

S. B. 475. For the relief of the teachers of free public schools in the county of Montgomery;

Which had been amended by the House.

Mr. Farden offered the following amendment : " That the teachers shall be paid by the county treasurer, upon the certified account of the superintendent of public instruction."

On motion of Mr. Terrell, the amendment was tabled—yeas 32, nays 2.



Those who voted in the affirmative are—

Messrs. Cobb, Coleman, Cooper, Cunningham, Curtis, Dereen, Driesbach, Edwards, Golson, Green, Hamilton, Harris of Russell, Inzer, Jones, Leftwich, Martin of Conecuh, Martin of Tuscaloosa, Moore, Royal, Snodgrass, Terrell and Walton—22.

Those who voted in negative are—

Messrs. Farden and Glass—2.

The House amendment was concurred in, and the House notified forthwith of said concurrence.

### CALL OF THE DISTRICTS.

Bills were introduced

By Mr. Farden—

S. B. 534. To amend an act to incorporate the Metropolitan Guards, approved February 24, 1860;

Which was read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Militia.

Also,

S. B. 638. To allow the city of Montgomery to work persons-convicted of violations of the ordinances of the city, outside of said city;

Which was read the first and second times, under a suspension of the constitutional rule.

Mr. Jones moved to indefinitely postpone the bill;

Lost.

Mr. Jones moved to amend by adding the following proviso : Provided, That all prisoners or convicts, under the age of fourteen, and over the age of forty, shall be exempt from working under the operation of this act.

On motion of Mr. Cobb, the amendment was tabled—  
yeas 20, nays 3.

Those who voted in the affirmative are—

Messrs. Cobb, Coleman, Cooper, Cunningham, Dereen, Driesbach, Edwards, Farden, Glass, Hamilton, Inzer, Leftwich, Martin of Conecuh, Martin of Tuscaloosa, Moore, Robinson, Royal, Snodgrass, Terrell and Walton—20.

Those who voted in the negative are—

Messrs. Golson, Green and Jones—3.

The constitutional rule was further suspended, the bill read the third time, passed and ordered to the House forthwith.

By Mr. Curtis—

S. B. 535. To regulate the terms of courts of the first judicial circuit.

By Mr. Hamilton—

S. B. 539. To repeal "an act to provide for a sinking fund for the redemption of the State debt," approved February 26, 1872;

Also,

S. B. 540. To enable boards of underwriters, companies, corporations, associations, underwriters, agents or persons to establish and maintain fire insurance patrol ;

Also, joint resolution—

S. B. 541. For the relief of Powell, Prickett & Co., and Wharton & Co.

Which were severally read the first, second and third times, under a suspension of the constitutional rule, passed, and ordered forthwith to the House.

By Mr. Green—

S. B. 536. To pay the members of the General Assembly ;

Which was read the first and second times, under a suspension of the constitutional rule, and referred to the Finance Committee.

Also,

S. B. 537. To repeal an act creating the office of geologist of the State of Alabama;

Which was read the first and second times, under a suspension of the constitutional rule, and referred to the Judiciary Committee.

By Mr. Robinson—

S. B. 542. To prescribe the time of holding the chancery court of the third district of the eastern chancery division, composed of Randolph county.

By Mr. Cooper—

S. B. 543. To prohibit the sale of vinous, spirituous and intoxicating liquors within five miles of the following churches in Cherokee county, viz : Bethel church, Mt. Pleasant church, Mountain Spring church, Carmel church and Cedar Bluff church.

By Mr. Cobb—

S. B. 544. To prescribe the time of holding the chancery court of the chancery district composed of the county of Shelby in the eastern chancery division, and to number said district ;

Which were severally read the first, second and third times, under a suspension of the constitutional rule, and passed.

Mr. Harris of Russell, presented a petition to incorporate the Zion M. E. church ;

Which was referred to the Committee on Temperance.

Mr. Hamilton, from the Judiciary Committee, reported favorably with an amendment to the bill—

S. B. 206. To regulate the fees of constables in the county of Greene.

The amendment adds the words, " and marshals," after " Constables," to the caption.

The amendment was adopted, the constitutional rule suspended, the bill read the third time and passed.

#### ENROLLED BILLS.

Mr. Dereen, from the Committee on Enrolled Bills, reported the following correct:

S. B. 109. An act to prohibit probate judges, clerks of circuit courts and registers in chancery from receiving any fees or allowances out of the county treasury for services rendered in keeping direct and reversed indexes of all books and records in their respective offices.

S. B. 138. An act to repeal an act entitled, an act to repeal section 1374, in article 1, of the Revised Code of Alabama, so far as relates to the counties of DeKalb, Covington, Russell, Cherokee and Madison, approved April 13, 1873, so far as it relates to the county of Madison.

S. B. 162, An act to prohibit any one from knowingly and wilfully, and without the consent of the owner, taking and carrying away the timber or rails upon any lands within the State.

S. B. 42. An act to provide for the revision of the rules of the chancery practice.

S. B. 475. AB act for the relief of the teachers of free public schools in the county of Montgomery.

#### MESSAGE FROM THE GOVERNOR

By his Private Secretary.

EXECUTIVE DEPARTMENT,  
STATE OF ALABAMA,  
MONTGOMERY, Feb. 6, 1875.

Mr. President :

The Governor has approved the following bill, which originated in the Senate—

S. B. 31. An act to abolish the criminal court for the county of Dallas and to transfer all the causes therein pending, together with all the dockets, papers and books of said criminal court, to the circuit court of Dallas county, Alabama.

Very respectfully,  
L. R. DAVIS,  
Private Secretary.

## MESSAGE FROM THE HOUSE,

By Mr. Phelan :

## HOUSE OF REPRESENTATIVES,

February 6, 1875.

Mr. President :

The House has passed the following Senate bills—

S. B. 257. To induce and encourage immigration to the State of Alabama, and to provide for the appointment of a commissioner of immigration and a board of commissioners directors.

S. B. 203. To fix the time for the trial of criminal cases in the circuit court of Choctaw county.

S. B. 526. To fix the term of office of the aldermen of the city of Mobile and provide for filling vacancies therein.

S. B. 516. To change the line between the counties of Russell and Barbour.

S. B. 498. To amend section 2354 of the Revised Code.

And has amended the title, as therein shown, and passed the Senate bill—

S. B. 502. To incorporate the Truck and Axe Company in the City of Troy, in Pike county.

And has passed the following Senate bill—

S. B. 344. To amend the third section of an act to amend the charter of the Shelby County Iron Manufacturing Company.

ELLIS PHELAN,  
Clerk.

The hour of twelve o'clock having arrived, the Senate proceeded to the consideration of the

## SPECIAL ORDER,

Which was the bill—

S. B. 117. To provide for taking the census of the State of Alabama for the year 1875.

Mr. Farden moved to postpone the special order to allow the committees to report.

Lost.

The amendments reported by the committee were adopted.

Mr. Terrell moved to amend by adding the following : "Provided no appointment of census taker shall be made before the first day of October, 1875."

On motion of Mr. Inzer, the amendment was laid on the table.

The constitutional rule was suspended, the bill read the third time and passed.

Mr. Hamilton, from the Judiciary Committee, reported a substitute for the bill—

S. B. 278. To relieve James Conroe Simpson, of Sumter county, from the disabilities of non-age.

The caption of the substitute is—

S. B. 278. To amend "an act to confer jurisdiction upon the chancery courts of the State, to relieve minors over eighteen years of age from the disabilities of non-age," approved March 17, 1873.

The substitute was adopted, the constitutional rule suspended, the bill read the third time and passed.

Mr. Moore, from the Committee on Revision of Laws, reported favorably to the House bill—

H. B. 176. For the relief of the minor children of Council Stephenson, deceased ;

Which was read the third time, under a suspension of the constitutional rule, and passed, and ordered forthwith to the House.

The House bill—

H. B. 337. To establish boards of health in the State of Alabama;

Which was read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Local Legislation.

Mr. Farden moved that the committee be instructed to report next Wednesday.

On motion of Mr. Robinson, the motion was tabled.

Mr. Martin of Tuscaloosa, from the Committee on Local Legislation, reported favorably to the bill—

H. B. 89. To amend " an act for the relief of Hiram Gibson, of Jackson county," approved March 28, 1871.

On motion of Mr. Robinson, the bill was recommitted to the same committee.

On motion of Mr. Farden, at one o'clock the Senate adjourned.

MONDAY, February 8th, 1875.

The Senate met pursuant to adjournment.

Prayer by Rev. Dr. Petrie.

Present:

Messrs. Cobb, Cooper, Curtis, Dereen, Edwards, Golson, Green, Harris of Russell, Martin of Tuscaloosa, Royal and Snodgrass—11.

On motion of Mr. Dereen, the Senate took a recess till eleven o'clock.

At eleven o'clock the Senate was called to order.

On a call of the roll, the following Senators answered :

Messrs. Cobb, Coleman, Cunningham, Curtis, Dereen, Driesbach, Edwards, Farden, Green, Inzer, Little, Martin of Tuscaloosa, Moore, Parks, Robinson, Royal, Snodgrass, Terrell and Walton—19.

The journal of Saturday was read and approved.

Leave of absence was granted to Mr. Leftwich for one week, and to Mr. Glass indefinitely, on account of sickness.

Mr. Moore, from the Committee on Revision of Laws, asked till 11 o'clock to-morrow to make the report on the bill—

S. B. 487. For the relief of tax collectors of this State.  
The time was granted.

#### MESSAGE FROM THE HOUSE,

By Mr. Garrett:

#### HOUSE OF REPRESENTATIVES,

February 8th, 1875.

Mr. President :

The House has originated and passed the following bills :

H. B. 497. To make M. L. Inzer and O. L. Massey, residing respectively upon the boundary lines between St. Clair and Jefferson counties, and upon the line between Blount and Jefferson counties, citizens of Jefferson county.

H. B. 485. To consolidate the offices of clerk of the circuit court and county treasurer of the county of Fayette.

H. B. 496. To prohibit the sale, giving away, or other disposition of spirituous liquors, intoxicating bitters, or other intoxicating beverages within three (3) miles of the Methodist church in Old Jonesboro, in Jefferson county.

H. B. 481. To amend section 3932 of the Revised Code of Alabama, so far as the same applies to Baldwin county.

H. B. 478. To allow the Governor to appoint inspectors in Baldwin county.

H. B. 542. To authorize the grant of letters testamentary on the estate of Robert Berney, deceased.

And has ordered the last named bill to the Senate without engrossment.

And has passed the following joint resolution :

H. R. 338. Authorizing the Governor to lease the Marine Hospital, at Mobile, from the Government of the United States.

ELLIS PHELAN,  
Clerk.

#### ENROLLED BILLS.

Mr. Dereen, from the Committee on Enrolled Bills, reported the following correctly enrolled :

S. B. 526. To fix the term of office of the Aldermen of the city of Mobile, and to provide for filling vacancies therein.

S. B. 516. To change the line between the counties of Russell and Barbour.

S. B. 203. To fix the time for the trial of criminal cases in the circuit court of Choctaw county.

S. B. 498. To amend section 2354 of the Revised Code.

S. B. 344. To amend the third section of an act to amend the charter of the Shelby County Iron Manufacturing Company.

S. B. 257. To induce and encourage immigration to the State of Alabama ; and to provide for the appointment of a commissioner of immigration and a board of commissioners' directors.

#### MESSAGE FROM THE GOVERNOR,

By his Private Secretary:

STATE OF ALABAMA,  
EXECUTIVE DEPARTMENT,  
MONTGOMERY, February 8th, 1876.

Mr. President:

The Governor has approved the following bills which originated in and passed the Senate:

S. B. 475. An act for the relief of the teachers of the free public schools in the county of Montgomery, pending the contest for the office of county superintendent of education of said county.

S. B. 162. An act to prevent any one from knowingly,

willfully and without the consent of the owner, taking and carrying away the timber or rails upon any land within this State.

S. B. 138. An act to repeal an act entitled "an act to repeal section 1374 in article first of the Revised Code of Alabama, so far as relates to the counties of DeKalb, Covington, Russell, Cherokee and Madison," approved April 10th, 1873, so far as it relates to the county of Madison.

S. B. 109. An act to prohibit probate judges, clerks of the circuit courts and registers in chancery from recovering any fees or allowance out of the county treasury for services rendered in keeping direct and reversed indexes of all books and records in their respective offices.

S. B. 42. To provide for the revision of the rules of the chancery practice.

Very respectfully,

L. R. DAVIS,  
Private Secretary.

On motion of Mr. Farden, the business before the Senate was suspended, to take up the House bill—

H. B. 542. To authorize the grant of letters testamentary on the estate of Robert Berney, deceased;

Which was read the first, second and third times, under a suspension of the constitutional rule, passed, and ordered forthwith to the House.

On motion of Mr. Cobb, the bill—

S. B. 254. To provide for the calling of a convention to revise and amend the constitution of this State ;

Which was the special order for this hour, was postponed, and made the special order for 11 o'clock, a. m., on Friday, the 12th of February.

Mr. Little moved to suspend the business before the Senate to allow the Committee on Revision of Laws to report a certain bill.

Lost.

#### CALL OF THE DISTRICTS.

Bills were introduced.

By Mr. Edwards—

S. B. 545. Requiring sheriff's sales, executor's and administrator's sales, and all orders from the chancery courts, circuit courts, and probate courts to be published in a newspaper, when such a paper is published in the county;

Which was read the first and second times, under a sus-



pension of the constitutional rule, and referred to the Judiciary Committee.

By Mr. Cobb—

S. B. 546. To authorize and empower the commissioners court of Chilton county to levy a special tax to pay the indebtedness of said county ;

Which was read the third time, under a suspension of the constitutional rule, and passed.

By Mr. Terrell—

S. B. 547. Amendatory of " an act to amend the charter of the city of Montgomery, and the various laws heretofore passed amending said charter," approved March. 3rd, 1870 ;

Which was read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Local Legislation.

By Mr. Green—

S. B. 548. To repeal an act creating the office of Mineralogist of the State of Alabama;

Which was read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Revision of Laws.

By Mr. Little—

S. B. 549. Relating to appeals to the supreme court in actions of ejectment, unlawful detainer, and forcible entry and detainer;

Which was read the first and second times, under a suspension of the constitutional rule, and referred to the Judiciary Committee.

The bill was taken up—

S. B. 392. To change the name of Ella Bogia of Lee county,

And was, on motion of Mr. Hamilton, laid on the table.

On motion of Mr. Parks, the Senate proceeded to the consideration of House messages.

The Senate concurred in the House amendments to the Senate bill—

S. B. 116. An act to amend an act entitled "an act to incorporate the Alabama Oil and Mining Company."

S. B. 265. To amend sections one and three of an act entitled "an act to confer upon the several chancery courts of this State power to declare married women free dealers," approved April 15, 1873.

S. B. 69. To change the times of holding the circuit courts of Lee and Russell counties.

S. B. 87. To authorize the mayor and aldermen of the city of Tuscaloosa, to issue bonds of said city, in compromise of

a certain chancery suit to which said city is a party, in the chancery court for the sixth district of the Western Chancery Division of Alabama.

S. B. 502. To incorporate the Truck and Axe Company in the city of Troy, in Pike county, as a fire company for municipal purposes.

The Senate bill—

S. B. 350. To authorize the commissioners' court of Franklin county to lay off said county into four commissioners' districts,

Which had been amended by the House, was recommitted to the Judiciary Committee.

The Senate bill—

S. B. 191. To repeal section 1374 of the Revised Code of Alabama, so far as it relates to the county of Dale,

Which had been amended by the House, was laid on the table.

The House bills—

H. B. 260. To require the judges of the supreme court of the State of Alabama to examine and pass upon the evidence on appeals in chancery cases before them without regard to the opinion of the court below on the facts in the case.

H. B. 186. To repeal section 4031 of the Revised Code of Alabama, so far as it relates to Coffee and Geneva counties ;

Were severally read the first and second times, under a suspension of the constitutional rule, and referred to the Judiciary Committee.

The House bills—

H. B. 90. To amend section two (2) of an act to prevent the sale of spirituous or vinous liquors within two and one-half miles of the furnaces of the Red Mountain Iron and Coal Company of Jefferson county, approved March 14, 1873.

H. B. 194. To amend section one of an act to define the pay of jurors of Crenshaw county, and to authorize the commissioners' court to levy a special tax to pay the same.

H. B. 172. To prevent woods burning in Washington county.

H. B. 171. To authorize the sheriff of Washington county, by virtue of his office, to collect the State and county taxes, and to perform, generally, all the duties which by law are now required of the tax collector of said county;

Were severally read the first, second and third times, under a suspension of the constitutional rule, and passed.

The hour of 12 o'clock having arrived, the Senate proceeded to the consideration of the

## SPECIAL ORDERS.

On motion of Mr. Cobb, the bill—

S. B. 456. To amend the election lawn, and prescribe the mode of registration,

Was postponed and made the special order for Wednesday, 11 o'clock, a. m.

S. B. 381. To regulate elections for the State of Alabama.

The question being on the motion to reconsider the vote by which the Senate adopted the amendment offered by Mr. Hamilton, Mr. Robinson, by leave of the Senate, withdrew the motion.

Mr. Farden moved to postpone the further consideration of the bill half past 11 o'clock on Wednesday.

On motion of Mr. Cobb, the motion was tabled.

Mr. Inzer offered a substitute, with a like caption, for the bill, which was adopted.

Mr. Green offered the following amendment, to be added to the first section of the bill:

“ And, that the county commissioners shall first cause a survey of the several precincts to be made, and after such survey is made, the judge of probate shall cause the same to be known by posters, in three or more places in the several precincts of the several counties of this State, three months before any general election.”

On motion of Mr. Moore, the amendment was tabled.

Mr. Inzer moved to insert after the word “ascertained,” in the second line of the forty-seventh section, the words “from a count of the actual vote cast, as the same appears by the returns certified to him, as provided by this act.”

The amendment was adopted.

Mr. Farden moved to .strike out the words “the precinct of his actual residence of,” in the sixth line of the first section.

On motion of Mr. Coleman, the motion was tabled—yeas 15, nays 5.

Those who voted in the affirmative are —

Messrs. Cobb, Coleman, Cooper, Cunningham, Driesbach, Edwards, Hamilton, Harris of Russell, Inzer, Little, Martin of Tuscaloosa, Moore, Robinson, Terrell and Walton—15.

Those who voted in the negative are —

Messrs. Curtis, Dereen, Farden, Green and Royal—5.

Mr. Farden moved to amend the fifth section, third line, by striking out all after the word “ instruction,” and inserting : “Shall be held on the Tuesday after the first Monday in November, eighteen hundred and seventy-six (1876), and every two years thereafter.”

On motion of Mr. Robinson, the amendment was tabled.  
Yeas 15—nays 5.

Those who voted in the affirmative are—

Messrs. Cobb, Coleman, Cooper, Cunningham, Dereen, Driesbach, Edwards, Hamilton, Inzer, Little, Martin of Tuscaloosa, Moore, Robinson, Terrell and Walton—15.

Those who voted in the negative are—

Messrs. Curtis, Farden, Harris of Russell, Jones and Royal—5.

Mr. Farden moved to amend the 8th section by striking out all after the second line, and inserting, " the first Tuesday after the first Monday in November, eighteen hundred and eighty, and every six years thereafter."

On motion of Mr. Robinson, the amendment was tabled.

Mr. Farden offered the following amendment : At the end of the fifth line, thirteenth section, add the words, "and on conviction shall be fined not less than five hundred dollars."

On motion of Mr. Robinson, the amendment was tabled.

Mr. Farden moved to amend the fourteenth section, fifth line, by striking out the word "one" and inserting " five."

On motion of Mr. Robinson, the amendment was tabled—  
Yeas 17—nays 4.

Those who voted in the affirmative are—

Messrs. Cobb, Coleman, Cooper, Cunningham, Dereen, Driesbach, Edwards, Hamilton, Harris of Russell, Inzer, Little, Martin in of Tuscaloosa, Moore, Parks, Robinson, Terrell and Walton—17.

Those who voted in the negative are—

Messrs. Curtis, Farden, Jones and Royal—4.

Mr. Dereen moved to insert in the fifth line of section 14", after the word " one," the words " nor more than five."

The amendment was adopted.

Mr. Farden moved to amend the eighteenth section by adding to the last line the words, " during the year 1875, the court of county commissioners shall cause a map of the county to be made, which shall give the boundary lines of each precinct, a copy of which shall be posted at the voting place in each precinct for ten days before each election."

On motion of Mr. Robinson, the amendment was tabled.

Mr. Farden moved to amend the nineteenth section by adding thereto the words, " And any sheriff, probate judge, or clerk of the circuit court, failing to comply with the provisions of this section, shall be guilty of a misdemeanor, and on conviction must be fined not less than one nor more than five hundred dollars, and may be imprisoned in the county jail not less than six months, at the discretion of the jury trying the same, and their office shall become vacant."

On motion of Mr. Robinson, the amendment was tabled.

Mr. Farden proposed to substitute for the word " three," in the third line of the nineteenth section, the word "five."

On motion of Mr. Robinson, the amendment was tabled.

Mr. Farden moved to substitute "county" for precinct," in the seventh line of section twenty.

On motion of Mr. Parks, the motion was tabled.

Mr. Farden moved to substitute "five" for "one" in the tenth line of section twenty.

On motion of Mr. Little, the amendment was tabled.

Mr. Farden moved to substitute the word "five" for "one," in the eight line of section twenty-one.

On motion of Mr. Little, the amendment was tabled.

Mr. Farden proposed to substitute "seven" for "eight," in the second line of the twenty-two.

On motion of Mr. Inzer the motion was tabled.

Mr. Farden proposed to substitute "seven" for "eight," in the second line of the twenty-third section.

On motion of Mr. Parks, the motion was tabled.

Mr. Farden moved to strike out "precinct" and insert "county," in the twenty-ninth section and second line, and strike out all after the word "residence."

On motion of Mr. Cobb, the amendment was tabled.

Mr. Farden moved to substitute the following for section thirty-three :

" SEC. 33. Be it further enacted, That the judge of probate, sheriff and clerk of the circuit court, or any two of them, when appointing inspectors of any election, shall also appoint a board of challengers for each ballot box of the several precincts of the county, and shall make publication of the same in some newspaper in the county, at least thirty days before said election. The members of said board of challengers must reside in the county, and if practicable, in the precinct for which they are appointed, and shall consist of two intelligent and discreet electors from each political party, if practicable, in this State. And it shall be the duty of said board, or any member thereof, to challenge any person offering to vote, whom they, or either them, may know or have reason to suspect not to be lawfully entitled and duly qualified as an elector. And if said board of challengers, or either of them, shall fail or refuse to attend at the time of opening the polls, it shall be the duty of the inspectors of the elections, to supply, by appointment, the vacancy in said board. If any judge of probate, sheriff, clerk of the circuit court, or inspector fails or refuse to discharge the duties required in this section, he shall be deemed guilty of a misdemeanor, and on conviction,

shall be fined not less than five hundred dollars, and may be imprisoned in the county jail for not more than twelve months, at the discretion of the jury trying the same."

On motion of Mr. Robinson, the amendment was tabled. Mr. Farden offered the following as a substitute for section thirty-nine.

" SEC. 39. Be it further enacted, That any person simulating any device, or any distinctive mark of any form of ballot or ticket of any political party in or at any election in this State, or printing or copying the same, or allowing the same to be printed upon the printing press belonging to or upon the premises of such person ; or any person who shall bring such tickets with a simulated device or distinctive mark of the ballots of one political party, into this State from another State for the use of the political party, or any member of the political party, different from or opposed to the party whose device or distinctive mark of ballot or ticket it may be, shall be guilty of a felony, and upon conviction thereof, shall be sentenced to imprisonment in the penitentiary not less than two nor more than five years."

On motion of Mr. Cobb, the amendment was tabled.

Mr. Farden offered the following as a substitute for section forty:

" SEC. 40. Be it further enacted, That any person on the day of any election, having in his possession simulated tickets, or tickets with the device or any other distinctive mark of one political party impressed or written thereon, with the name or names of the candidate or candidates of the other political party written or printed thereon ; or who may, at or upon such election, circulate or give out such ticket or tickets among the people, shall be guilty of felony, and shall upon conviction thereof be imprisoned in the penitentiary not less than two nor more than five years, at the discretion of the jury trying the same."

On motion of Mr. Cobb, the substitute was tabled.

Mr. Farden offered the following as a substitute for section forty-one :

" SEC. 41. Be it further enacted, That any person, at any election, who shall give to any voter who cannot read and write, a ticket upon which is written or printed the name or names of any candidate or candidates other than the candidate or candidates for whom such voter intends to vote at such election, and such voter shall vote such ticket, shall be guilty of a felony, and upon conviction thereof, shall be imprisoned in the penitentiary not less than two nor more than five years."

On motion of Mr. Moore, the substitute was tabled.

Mr. Farden offered the following as a substitute for section forty-two:

" SEC 42. Be it further enacted, That any person at any election in this State, who shall willfully deceive any voter who cannot read and write, and shall induce such voters to vote a ticket with the name or names of any candidate or candidates upon such tickets, for whom such voter does not intend or wish to vote, or with the name or names of any candidate or candidates for whom such voter desires to vote at such election not printed or written thereon, shall be guilty of a felony, and shall upon conviction thereof be imprisoned in the penitentiary not less than two nor more than five years."

On motion of Mr. Parks, the amendment was tabled.

Mr. Farden moved to insert after the word " bribery," in the seventh line of section fifty, the words, " menaces, threatens, discharges or threatens to discharge from employment."

On motion of Mr. Moore, the amendment was tabled.

Mr. Farden moved to strike out the word "letum," in the fourth line of section fifty, and insert " lecum."

The amendment was adopted.

Mr. Farden moved to insert in the first line of the ninety-second section, after the word " bribe," the words " menaces, threatens, discharges or threatens to discharge from employment."

On motion of Mr. Inzer, the amendment was, tabled.

Mr. Farden moved to substitute "five" for "one," in the fifth line of section 92. Substitute " six months " for " thirty days," in the 6th line ; and for "six months" substitute "one year."

On motion of Mr. Cobb, the amendment was tabled.

On motion of Mr. Cobb, the word " one" was substituted for the word " five," in the 3d line of section 93.

On motion of Mr. Farden, the word " dollars " was struck out, and the following inserted : " nor more than one thousand dollars, and shall be imprisoned in the county jail not less than thirty days, nor more than six months," in the 3d line of section 93.

On motion of Mr. Hamilton, the bill was ordered to a third reading and made the special order for 11 o'clock Wednesday.

Mr. Terrell, by leave, offered the following resolution—

Resolved, That an additional number of the report of the joint committee on amendments to the constitution, to the amount of 2,500 be printed.

Mr. Cobb presented a joint memorial to the Congress of the United States.

S. B. 550. Relative to the cotton tax ;  
Which was read and adopted.

On motion of Mr. Green, at quarter past 3 o'clock the Senate adjourned till Wednesday quarter past 10 o'clock, a. m. Yeas 11, nays 10.

Those who voted in the affirmative are—

Messrs. Cunningham, Curtis, Dereen, Driesbach, Farden, Green, Hamilton, Harris of Russell, Martin of Tuscaloosa, Royal and Walton—11.

Those who voted in the negative are—

Messrs. Cobb, Coleman, Cooper, Edwards, Inzer, Little, Moore, Parks, Robinson and Snodgrass—10.

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WEDNESDAY, February 10, 1875.

The Senate met pursuant to adjournment.

Prayer by Rev. J. B. Jones.

Present: Messrs. Carmichael, Cobb, Coleman, Cooper, Cunningham, Curtis, Dereen, Driesbach, Edwards, Grayson, Green, Hamilton, Harris of Lee, Harris of Russell, Inzer, Jones, Little, Martin of Conecuh, Martin of Tuscaloosa, Moore, Parks, Robinson, Royal, Snodgrass, Terrell and Walton—26.

The journal of Monday was read and approved.

Indefinite leave of absence was granted Mr. Golson.

The hour of 11 o'clock having arrived, the Senate proceeded to the consideration of the

#### SPECIAL ORDERS.

The bill was taken up—

S. B. 456. To amend the election laws and prescribe the mode of registration.

On motion of Mr. Cobb, the word " register," where it occurs in the bill, was changed to " registrar."

On motion of Mr. Cunningham, all of section three, after the word " resides " in the second line, was struck out, and the words " and in no other," inserted.

On motion of Mr. Cobb, the words " or vote " in the third line of section 9, were struck out, and all after the word " name" in the same line, and to the word " is," where it last occurs in the fourth line of the same section.

Mr. Terrell moved to strike out of section 5, after the word



" year " in the second time, down to and including the word " removed " in the sixth line, and insert " and it shall be the duty of judges of probate to appoint special registrars for days of election, whose duty it shall be to register any elector on such day under the provisions of this act."

On motion of Mr. Moore, the amendment was tabled.

Yeas 17, nays 9.

Those who voted in the affirmative are —

Messrs. Carmichael, Cobb, Coleman, Cooper, Cunningham, Driesbach, Edwards, Grayson, Hamilton, Harris of Lee, Inzer, Little, Martin of Conecuh, Moore, Robinson, Snodgrass and Walton—17.

Those who voted in the negative are —

Messrs. Curtis, Dereen, Farden, Green, Harris of Russell, Jones, Martin of Tuscaloosa, Royal and Terrell —9.

On motion of Mr. Cobb, the words "on or" in the fourth line of section 5, were struck out.

On motion of Mr. Robinson, the words "for each voting place," were inserted between the words " lists" and " of " in the second line of section 6.

Mr. Grayson moved to add the following to section 5, "and the register is hereby required to attend at the usual place of voting in each precinct or ward, from the hour of 9 o'clock in the morning until 4 o'clock in the afternoon, on the two last days the registration lists are required to be kept open."

Mr. Farden moved to amend the amendment by striking out " two," and inserting " five."

On motion of Mr. Moore, the amendment to the amendment was tabled.

Mr. Moore moved to lay the amendment on the table.

Lost. Yeas 4, nays 19.

Those who voted in the affirmative are—

Messrs. Cobb, Dereen, Moore and Robinson—4.

Those who voted in the negative are—

Messrs. Carmichael, Coleman, Cooper, Cunningham, Curtis, Driesbach, Farden, Grayson, Hamilton, Harris of Lee, Harris of Russell, Inzer, Jones, Little Martin of Conecuh, Martin of Tuscaloosa, Parks, Snodgrass and Walton—19.

Mr. Carmichael moved to amend the amendment by adding thereto the words "and he shall post up ten days before the said two last days, at the voting place and at two other conspicuous places in the precinct or ward, written notice of the days on which he will attend the voting place for said purpose."

The amendment to the amendment was adopted, and the amendment was adopted.

On motion of Mr. Dereen, all of the 6th section after the word " act," at the end of the eighth line, was struck out.

On motion of Mr. Dereen, the word " householder " was inserted between the words "freeholder" and "in," in the fifth line of the first section.

On motion of Mr. Little, the 7th section was amended by striking out all after the word "may" in the sixth have, and inserting " register in the precinct or ward to which he has removed."

Mr. Farden moved to amend section 5 by striking out the word " two" and inserting the word " one," in the second line.

On motion of Mr. Moore, the amendment was tabled.

On motion of Mr. Parks, the 6th section was amended by inserting between the words "one" and "to," in the fifth line, the words " certified over his official signature to be true and correct."

Mr. Farden moved to amend section 10, first line, by striking out the word " ten " and inserting the word " five."

Mr. Robinson moved to lay the amendment on the table.

Lost. Yeas 11, nays 16.

Those who voted in the affirmative are—

Messrs. Coleman, Curtis, Dereen, Driesbach, Grayson, Hamilton, Martin of Conecuh, Moore, Parks, Robinson and Walton—11.

Those who voted in the negative are—

Messrs. Carmichael, Cobb, Cooper, Cunningham, Edwards, Farden, Green, Harris of Lee, Harris of Russell, Inzer, Jones, Little, Martin of Tuscaloosa, Royal, Snodgrass and Terrell—16.

Mr. Terrell moved to amend the amendment by inserting after the word " respectively," the words " for the first three hundred, and all over that number the sum of five cents."

Lost.

The Senate refused to adopt the amendment.

On motion of Mr. Robinson, the 12th section was amended by striking out all after the word " that" in the first line, and to the word " all" in the third line, and the words " be and the same" were inserted between the words "act" and " are " in the fourth line.

Mr. Farden moved to amend the 10th section by inserting in the second line after the word " name," the words " up to two hundred, and all over that five cents for each name."

Lost.

The constitutional rule was suspended, the bill read the third time and passed.

The caption was amended so as to read as follows :

S. B. 456. An act to provide for the registration of electors in this State.

Mr. Grayson moved to reconsider the vote by which the bill passed.

On motion of Mr. Coleman, the motion was tabled.

#### MESSAGE FROM THE HOUSE,

By Mr. Whitman—

#### HOUSE OF REPRESENTATIVES, February 10, 1875.

Mr. President :

The House has passed the following Senate bills :

S. B. 195. To prevent the burning of any car, train of cars, car-shed, cotton-house, cotton-pen, or corn-pen.

S. B. 146. To prevent solicitors from commencing prosecutions by affidavit made by themselves.

And has amended as therein shown and passed the Senate bill—

S. B. 23. To amend section 2421 of the Revised Code of Alabama.

It has also amended the Senate bill—

S. B. 158. To declare the terms on which foreign corporations organized for mining and manufacturing purposes may carry on their business and purchase, hold and convey real and personal property in this state.

The amendment being by way of a substitute, and bearing title : A bill to be entitled an act—

S. B. 158. To enable aliens to acquire, hold and dispose of property, real and personal, as natural citizens,

And as thus amended has passed said bill.

And has originated and passed the following bill:

H. B. 555. For the relief of T. W. Smith, tax collector of Autauga county.

ELLIS PHELAN,  
Clerk.

#### ENROLLED BILLS.

Mr. Harris of Lee, from the Committee on Enrolled Bills, reported the following correctly enrolled :

S B. 195. An act to prevent the burning of any car, train of cars, car-shed, cotton-house, cotton-pen, or corn-pen.

S. B. 146. An act to prevent solicitors from commencing prosecutions by affidavit made by themselves.

Mr. Grayson, from the same committee, reported the following correct:

S. B. 265. An act to amend sections one and three of an act to confer, upon the several chancery courts of this State, power to declare married women free dealers, approved April 15, 1873.

S. B. 116. An act to amend an act entitled "an act to incorporate the Alabama Oil and Mining Company."

S. B. 502. An act to incorporate the Truck and Axe Company of the city of Troy, in Pike county, as a fire company for municipal purposes.

S. B. 37. An act to authorize the mayor and aldermen of the city of Tuscaloosa to issue bonds of said city, in compromise of a certain chancery suit to which said city is a party in the chancery court for the sixth district of the Western Chancery Division of Alabama.

S. B. 69. An act to change the time of holding the circuit courts of Lee and Russell counties.

The bill was taken up—

S. B. 381. To regulate elections in the State of Alabama.

Mr. Farden moved to indefinitely postpone the bill ;

Lost.

The bill was read the third time and passed. Yeas 20, nays 5.

Those who voted in the affirmative are—

Messrs. Carmichael, Cobb, Coleman, Cooper, Cunningham, Driesbach, Edwards, Grayson, Hamilton, Harris of Lee, Harris of Russell, Little, Martin of Conecuh, Martin of Tuscaloosa, Moore, Parks, Robinson, Snodgrass, Terrell and Walton—20.

Those who voted in the negative are—

Messrs. Curtis, Dereen, Farden, Green and Royal—5.

Mr. Coleman moved to reconsider the vote by which the bill passed.

On motion of Mr. Carmichael, the motion was tabled.

The bill was taken up.

S. B. 85. In relation to the formation of grand and petit juries.

On motion of Mr. Robinson, the word "judge," at the end of the first line of section one, and the words " of the court of probate," in the second line, were struck out, and the words "court of county commissioners," inserted.

On motion of Mr. Coleman, the word "court" was substituted for the word "judge" in the sixth line of section one,

On motion of Mr. Coleman, section four was amended, by

adding thereto the words : " This selection shall be made in public," and the eighth section was amended by inserting after the word "conducted," in the first line, the words " in public and."

On motion of Mr. Hamilton, the following amendments were made : Add to section one the words, "In Mobile county this appointment shall be made by the president and commissioners of revenue, under the provisions of this act." In the first line of section two, strike out the words " said judge," and insert "the judges of probate of the several counties."

Mr. Farden moved to amend section one, second and third lines, by striking out all after the word "county," up to and including the word "supervisors," and insert the words "and sheriff and circuit court clerks."

On motion of Mr. Cobb, the amendment was tabled.

On motion of Mr. Cobb, the following was added to section one : " In the county of Dallas the appointment of such supervisors shall be made by the grand jury of said county, at the spring term of the circuit court of said county, under the provisions of this act. The first selection to be made at the spring term of 1875 of said court, and biennially thereafter."

Mr. Farden moved to strike out all of section one, after the word "act," in the fourth line.

On motion of Mr. Cobb, the further consideration of the bill was postponed till to-morrow, immediately after the reading of the journal.

On motion of Mr. Martin of Conecuh, at 3 o'clock, the Senate adjourned.

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THURSDAY, February 11, 1875.

The Senate met pursuant to adjournment.

Prayer by Rev. Dr. Gwin.

Present—

Messrs. Carmichael, Cobb, Coleman, Cooper, Cunningham, Dereen, Driesbach, Edwards, Grayson, Green, Hamilton, Harris of Lee, Harris of Russell, Inzer, Little, Martin of Conecuh, Martin of Tuscaloosa, Moore, Royal, Snodgrass and Walton—21.

The journal of yesterday was read and approved.

Leave of absence was granted to Mr. Jones till Monday.

Mr. Martin of Tuscaloosa, by unanimous leave, offered a—  
 S. R. 551. Joint resolution to pay the expenses of the  
 Joint Committee to inspect the State Penitentiary and State  
 Farm ;

Which was read the first and second times, under a suspen-  
 sion of the constitutional rule, and referred to a select com-  
 mittee, composed of Messrs. Inzer, Little and Carmichael.

The special order was taken up, which was the bill—  
 S. B. 85. In relation to the formation of grand and petit  
 juries.

The pending amendment was—

On motion of Mr. Carmichael, laid on the table.

On motion of Mr. Grayson, the further consideration of  
 the bill was postponed till 11 o'clock Tuesday, the 16th of  
 February, and made the special order for that hour.

#### MESSAGE FROM THE HOUSE,

By Mr. Whitman:

HOUSE OF REPRESENTATIVES,  
 February 11, 1875.

Mr. President :

The House has amended, as therein shown, and passed the  
 Senate bill:

S. B. 460. To amend section one of an act to provide for  
 the funding of the domestic debt of this State, approved De-  
 cember 19, 1873.

ELLIS PHELAN,  
 Clerk.

#### MESSAGE FROM THE GOVERNOR,

By his Recording Secretary.

STATE OF ALABAMA,  
 EXECUTIVE DEPARTMENT,  
 MONTGOMERY, Feb. 10, 1875.

Mr. President :

The Governor has approved the following bills, which orig-  
 inated in and passed the Senate :

S. B. 195. An act to prevent the burning of any car, train  
 of cars, car shed, cotton house, cotton pen or corn pen.

S. B. 502. An act to incorporate the truck and axe com-  
 pany in the city of Troy, in Pike county, as a fire company  
 for municipal purposes.

S. B. 69. An act to change the time of holding the circuit courts of Lee and Russell counties.

S. B. 526. An act to fix the term of office of the aldermen of the city of Mobile, and to provide for filling vacancies therein.

S. B. 498. An act to amend section 2354 of the Revised Code.

S. B. 37. An act to authorize the mayor and aldermen of the city of Tuscaloosa to issue bonds of said city, in compromise of a certain chancery suit to which said city is a party in the chancery court of the western chancery division of Alabama.

S. B. 146. An act to prevent solicitors from commencing prosecutions by affidavit made by themselves.

S. B. 516. An act to change the line between the counties of Russell and Barbour.

S. B. 203. An act to fix the time for the trial of criminal cases in the circuit court of Choctaw county.

S. B. 265. An act to amend section one and three of an act entitled, an act to confer upon the several chancery courts of this State power to declare married women free dealers, approved April 15, 1873.

S. B. 116. An act to amend an act entitled, an act to incorporate the Alabama Oil and Mining Company.

S. B. 344. An act to amend the third section of an act to amend the charter of the Shelby county Iron Manufacturing Company.

Respectfully,

I. H. VINCENT,

Recording Secretary.

On motion of Mr. Terrell, the order of business was temporarily suspended to consider the House amendments to the Senate bill—

S. B. 460. To amend section one of an act to provide for the funding of the domestic debt of this State, approved December 19, 1873.

Mr. Robinson moved to amend the House amendment by adding thereto the words, "except as the court of county commissioners may direct"

On motion of Mr. Inzer, the amendment was tabled.

Yeas 16, nays 9.

Those who voted in the affirmative are—

Messrs. Carmichael, Cooper, Cunningham, Curtis, Dereen, Driesbach, Edwards, Green, Hamilton. Harris of Russell, Lee,

Martin of Conecuh, Martin of Tuscaloosa, Royal, Terrell and Walton—16.

Those who voted in the negative are—

Messrs. Cobb, Coleman, Farden, Grayson, Little, Moore, Parks, Robinson and Snodgrass —9.

Mr. Farden moved to strike out of the fifth and sixth lines of the amendment, the words " or other obligations."

Lost. Yeas 9, nays 15.

Those who voted in the affirmative are—

Messrs. Coleman, Cooper, Cunningham, Driesbach, Farden, Green, Harris of Russell, Royal and Terrell —9.

Those who voted in the negative are—

Messrs. Cobb, Curtis, Dereen, Grayson, Hamilton, Harris of Lee, Inzer, Little, Martin of Conecuh, Martin of Tuscaloosa, Moore, Parks, Robinson, Snodgrass and Walton—15.

Mr. Carmichael moved to refer to a select committee.

On motion of Mr. Martin of Conecuh, the motion was tabled.

Yeas 17, nays 8.

Those who voted in the affirmative are—

Messrs. Cobb, Curtis, Dereen, Driesbach, Edwards, Farden, Grayson, Hamilton, Little, Martin of Conecuh, Martin of Tuscaloosa, Moore, Parks, Robinson, Snodgrass, Terrell and Walton—17.

Those who voted in the negative are—

Messrs. Carmichael, Coleman, Cooper, Cunningham, Harris of Lee, Harris of Russell, Inzer and Royal—8.

On motion of Mr. Inzer, the vote by which the amendment offered by Mr. Farden was lost, was reconsidered, and the amendment was adopted.

The amendment of the House, as amended was concurred in, and ordered to the House forthwith.

#### CALL OF THE DISTRICTS.

Bills were introduced:

By Mr. Edwards—

S. B. 552. To amend the charter of the town of Decatur, in Morgan county.

By Mr. Snodgrass—

S. B. 554. To invest the mayor of the town of Scottsboro, in the county of Jackson, with all the powers and authority of a notary public of the said county.

By Mr. Cobb—

S. B. 558. To repeal an act to authorize the commissioners court of Shelby county to levy a special tax from year to



year to pay off the present indebtedness of said county, approved November 28, 1871.

By Mr. Hamilton.

S. B. 561. To legalize an election of justice of the peace for the eighth ward in the city of Mobile, held on December 22, 1874.

By Mr. Harris of Lee—

S. B. 565. To better provide for the maintenance of the paupers of Lee county ;

Which were severally read the first, second and third times, under a suspension of the constitutional rule, and passed.

By Mr. Inzer—

S. B. 555. To prohibit the sale, or otherwise disposing of intoxicating liquors within one and a quarter miles of Ashville depot, on the A. & C. R. R., in St. Clair county ;

Which was read the first and second times, under a suspension of the constitutional rule.

On motion of Mr. Cooper, the words "one and a quarter" were struck out, and " five " inserted.

The constitutional rule was further suspended, the bill read the third time and passed.

By Mr. Snodgrass—

S. B. 553. To authorize the Governor to compromise and settle a balance claimed by the State against Z. I. Wright, late tax collector of Jackson county.

By Mr. Cobb—

S. B. 559. To authorize the issue of the bonds of the State, at the rate of two thousand dollars per mile, to the Selma, Marion & Memphis Railroad Company, on that company's delivering up to the State the first mortgage bonds of said company heretofore endorsed by the State.

By Mr. Walton—

S. B. 560. To authorize the court of county commissioners of Choctaw county to issue bonds.

By Mr. Hamilton—

S. B. 562. To restrict the power of taxation by cities and incorporated towns as regards section 16, article XIII, of the constitution of this State;

Which were severally read the first; and second times, under a suspension of the constitutional rule, and referred to the Finance Committee.

By Mr. Snodgrass—

S. B. 556. To license the sale, purchase or exchange of seed cotton in the counties of Montgomery, Bullock, Barbour, Pike, Lowndes, Dallas and Marengo;

"Which was read the first and second times, under a suspen-

sion of the constitutional rule, and referred to the Committee on Local Legislation.

By Mr. Inzer—

S. B. 557, To re-enact section 3602 of the Revised Code.

By Mr. Martin of Conecuh—

8. B. 563. To amend an act to prescribe the terms on which married women may take appeals to the supreme court and the effect of such appeals, approved March 9th, 1871 ;

Which were severally read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Revision of Laws.

By Mr. Edwards—

S. B. 564. To amend section 3202 of the Revised Code ;

Which was read the first and second times, under a suspension of the constitutional rule, and referred to the Judiciary Committee.

By Mr. Farden—

S. B. 566. To furnish water pipes in the capital building;

Which was read the first and second times, under a suspension of the constitutional rule, and referred to a select committee composed of Messrs. Farden, Carmichael and Snodgrass.

Mr. Hamilton, from the Judiciary Committee, reported favorably to the bill —

S. B. 521. To repeal an act to amend section 4063 of the Revised Code of Alabama, approved December 31st, 1868 ;

Which was read the third time, under a suspension of the Constitutional rule, and passed.

Mr. Martin of Tuscaloosa moved to adjourn.

Lost. Yeas 9—nays 16.

Those who voted in the affirmative are —

Messrs. Dereen, Edwards, Farden, Green, Martin of Conecuh, Martin of Tuscaloosa, Parks, Snodgrass and Walton—9.

Those who voted in the negative are—

Messrs. Carmichael, Cobb, Coleman, Cooper, Cunningham, Driesbach, Grayson, Hamilton, Harris of Lee, Harris of Russell, Inzer, Little, Moore, Robinson, Royal and Terrell —16.

#### MESSAGE FROM THE GOVERNOR,

By his Recording Secretary :

STATE OF ALABAMA,  
EXECUTIVE DEPARTMENT,  
MONTGOMERY, ALA., Feb. 11, 1875.

Mr. President:

I am directed by the Governor to Communicate to the Senate a message in writing.

Very respectfully.

IKE H. VINCENT,  
Recording Secretary.

Gentlemen of the General Assembly :

I respectfully submit the accompanying proposition for a contract from Thomas Williams, in regard to the Penitentiary Farm.

I have no authority for accepting such proposition, or making any contract on the subject, and suggest that if the proposal in its general terms meets your approval, you will enact such a law as will authorize me to make a contract with any one in relation to the disposition of the farm for a limited number of years.

Very respectfully,

GEO. S. HOUSTON,  
Governor of Alabama.

The message and accompanying papers were referred to the Committee on the Penitentiary.

Hr. Hamilton, from the Judiciary Committee, reported favorably, with an amendment, to the House bill —

H. B. 258. To amend section 3705 of the Revised Code.

Amend by striking out the words "either actual or constructive," in the twenty-fifth line of the engrossed bill.

The amendment was adopted, the bill read the third time, under a suspension of the constitutional rule, passed, and ordered to the House.

Also favorably, with an amendment, to the bill—

S. B. 480. To compel sheriffs, clerks of the circuit court, and registers in chancery, having moneys in their hands, subject to further order of the court, to pay the same over to their successors in office.

Amend by striking out all after the word " than," in the eighth line, second section, and inserting the following : "Fifty nor more than five hundred dollars, for each and every offense. But nothing in this act shall at all affect or impair any civil right or remedy which any person or party may have against any defaulting officer, named in this act, nor any power, by summary process or otherwise, which any court may have or possess over any of said officers, to enforce the discharge of their duties in respect to moneys in their possession in their official character."

The amendment was adopted, the bill read the third time, under a suspension of the constitutional rule, and passed.

Also, a substitute for the bill—

S. B. 428. To prevent trespasses ;

With the following caption :

S. B. 428. To prevent the use of abusive, insulting or vulgar language in the presence of families and females.

The substitute was adopted, the bill read the third time, under a suspension of the constitutional rule, and passed.

Also, a substitute for the bill—

S. B. 357. To regulate the holding of offices in certain cases;

With the following caption :

S. B. 357. To regulate the holding of office in cases where an appointment has been made, upon a certified vacancy in the office.

The substitute was adopted.

Pending the further consideration of the bill—

On motion of Mr. Coleman, at quarter before 3 o'clock, the Senate adjourned. Yeas 17—nays 8.

Those who voted in the affirmative are—

Messrs. Coleman, Cunningham, Curtis, Dereen, Driesbach, Edwards, Farden, Grayson, Harris of Russell, Little, Martin of Tuscaloosa, Parks, Robinson, Royal, Snodgrass, Terrell and Walton—17.

Those who voted in the negative. are—

Messrs. Carmichael, Cobb, Cooper, Hamilton, Harris of Lee, Inzer, Martin of Conecuh and Moore—8.

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FRIDAY, February 12, 1875.

The Senate met pursuant to adjournment.

Prayer by Rev. Dr. Andrews.

Present—

Messrs. Carmichael, Cobb, Coleman, Cooper, Cunningham, Curtis, Dereen, Driesbach, Edwards, Golson, Green, Hamilton, Harris of Lee, Harris of Russell, Inzer, Little, Martin of Conecuh, Martin of Tuscaloosa, Moore, Parks, Robinson, Royal, Snodgrass, Terrell and Walton—25.

The journal of yesterday was read and approved.

Leave of absence was granted Mr. Chardevoyne for one week, and Mr. Harris of Russell till Tuesday.

On motion of Mr. Parks, the call of the districts was suspended to take up

### HOUSE MESSAGES.

The Senate refused to concur in the House amendment to the Senate bill—

S. B. 158. To declare the terms on which foreign corporations organized for mining or manufacturing purposes, may carry on their business, and purchase, hold and convey real and personal property in this State.

The House was notified forthwith of the non-concurrence.

### MESSAGE FROM THE GOVERNOR,

By his Recording Secretary.

STATE OF ALABAMA,  
EXECUTIVE DEPARTMENT,  
Montgomery, Feb. 11, 1875.

Mr. President :

The Governor has approved the following bill which originated in and passed the Senate:

S. B. 257. An act to induce and encourage immigration to the State of Alabama, and to provide for the appointment of a commissioners of immigration and a board of commissioners directors.

Very respectfully,  
IKE H. VINCENT,  
Recording Secretary.

### MESSAGE FROM THE HOUSE,

By Mr. Whitman.

HOUSE OF REPRESENTATIVES,  
February 12, 1875.

Mr. President :

The House has passed the Senate bill—

S. B. 382. To divide the State into eight congressional districts.

And has concurred in the Senate amendment to the House amendment to the Senate bill—

S. B. 460. To amend section one of the act to provide for the funding of the domestic debt of the State, approved December 19, 1873.

The House has originated and passed a bill—

H. B. 567. To establish the thirteenth chancery district of the Northern Chancery Division.

And has adopted—

H. R. 13. Joint resolution in relation to the raising of a joint committee to take into consideration the propriety of funding the outstanding State obligations.

ELLIS PHELAN,  
Clerk.

#### ENROLLED BILLS.

Mr. Harris of Lee, from the Committee on Enrolled Bills, reported the following correctly enrolled :

S. B. 382. An act to divide the State into eight congressional districts.

#### MESSAGE FROM THE GOVERNOR,

By his Recording Secretary.

STATE OF ALABAMA,  
EXECUTIVE DEPARTMENT,  
Montgomery, Feb. 12, 1875.

Gentlemen of the, Senate :

I have the honor to transmit herewith copies of the joint resolutions adopted by the General Assemblies of the States of Georgia, West Virginia, Missouri, Ohio and Pennsylvania relative to the recent Federal interference in the affairs of the State of Louisiana,

Very respectfully,

GEO. S. HOUSTON,  
Governor of Alabama.

The bill—

S. B. 254. To provide for the calling of a convention to revise and amend the constitution of this State ;

Which was the special order for this hour, was—

On motion of Mr. Harris of Russell, postponed till Thursday, the 8th instant, and made the special order for the hour of 12 o'clock, m.

The House amendment to the Senate bill—

S. B. 23. To amend section 2421 of the Revised Code of Alabama,

Were concurred in.

The caption, as amended, reads as follows :

S. B. 23. To amend sections 2421 and 2440 of the Revised Code of Alabama.

The House joint resolution raising a joint committee to investigate the stationary account of the State, was read.

Mr. Haralson moved to amend by adding the words "from 1870."

On motion of Mr. Cooper, the amendment was tabled.

The joint resolution was adopted.

Mr. Carmichael moved to reconsider the vote by which the Senate adopted the joint resolution.

On motion of Mr. Hamilton, the motion was tabled.

The committee on the part of the Senate are Messrs. Carmichael and Inzer.

The House bills—

H. B. 143. To amend section 3735 of the Revised Code of Alabama.

H. B. 351. To prohibit the sale, giving away, or otherwise disposing of spirituous, vinous or malt liquors within three miles of Smithville Academy, and Walnut Grove Church, in Henry county.

H. B. 860. To amend the charter of the Pickens Academy.

H. B. 239. To provide for the reference of cases of misdemeanor to the county court of Marengo county, by the grand jury of said county.

H. B. 362. To enable the people of Franklin county to permanently locate the seat of Justice of said county.

H. B. 365 ½. To prohibit the sale of vinous or spirituous liquors within three miles of New Hope Church, and Plato Academy, in Greene county.

H. B. 366. To prohibit the sale of vinous or spirituous liquors within two miles of Snow Hill Depot, and within two miles of Bethsaida Baptist Church, near Snow Hill Depot in Wilcox county, Alabama.

H. B. 375. To prohibit the sale or giving away of vinous, or spirituous liquors, within one and a half miles of Macedonia, Forrister's Chapel, and Mount Zion churches ; and, also, within two miles of Mount Morris' Church, all in Randolph county.

H. B. 376. To prohibit the sale of spirituous, or intoxicating liquors, within three miles of Round Island Baptist Church, in Limestone county.

H. B. 377. To authorize the court of county commissioners of Tuscaloosa county, to issue bonds to pay claims against the county.

H. B. 423. To remove the administration of the estate of Samuel Stradwick, deceased, from the probate court of Hale county into the probate court of Marengo county.

H. B. 44. For the relief of Solomon and Woolf.

H. B. 155. To amend and enlarge the corporate powers of the Birmingham Chair Manufacturing Company, a corporation incorporated under the general laws of the State.

H. B. 207. To authorize and require the Secretary of state to issue to John B. Appleton a patent for sixteenth (16th) section lands in township nine, (9), range seven, (7), east, in DeKalb county, Alabama.

H. B. 163. To increase the fees of constables in Beat No. 8, in the county of Sanford.

H. B. 454. To remove the administration of the estate of Edward Gunter, deceased, from the probate court of Lowndes to the probate court of Dallas county,

H. B. 460. Joint resolution for the relief of W. B. and A. K. Bell, and William M. Knight.

H. B. 317. To require the judges of probate of Crenshaw and Covington county to pay for their own stationery, viz : Blanks for recording mortgages, liens and marriage certificates.

H. B. 305. To authorize the Governor of the State of Alabama to issue a patent to Joseph E. Garlington to certain parcels of land lying and situated in the county of Chambers.

The House bill—

H. B. 440. To authorize the commissioners court of Clay, Dallas and Wilcox counties to provide a pauper fund for said counties;

Which was read the first and second times, under a suspension of the constitutional rule.

On motion of Mr. Haralson, the words " Dallas and Wilcox" were struck out, and the word "county" substituted for " counties " in the body and caption of the bill.

The constitutional rule was further suspended, the bill read the third time and passed.

The House bill—

S. B. 33 ½ . To amend an act to prescribe the time of holding the circuit courts in the 10th judicial circuit, approved March 14, 1872 ;

Was read the first and second times, under a suspension of the constitutional rule.

On motion of Mr. Cobb, the first section was amended by inserting after the words " March and " in the twelfth line, the words " continue one week, and the first Monday after the fourth Monday in."

The rule was further suspended, the bill read the third time and passed.

The House bills—



H. B. 258. To amend section 3507 of the Revised Code of Alabama.

H. B. 261. To authorize incorporated companies, organized under the general corporation laws of the State of Alabama to amend their articles of incorporation.

H. B. 461. For the relief of L. N. Cole, of the county of Tuscaloosa, administrator of the estate of Littleton Cole, deceased, late of the county of Fayette ;

Were severally read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on the Judiciary.

The House bill—

H. B. 344. To change the times of the meetings of the regular fall terms of the circuit courts of Choctaw and Marengo counties ;

Was read the first and second times, under a suspension of the constitutional rule, and referred to a select committee composed of Messrs. Walton, Little and Dereen.

The House bill—

H. B. 227. To add a part of Dallas county to Chilton county,

Was read the first, second and third times, under a suspension of the constitutional rule, and passed by a two-thirds vote.

Yeas 26, nays 1.

Those who voted in the affirmative are—

Messrs. Carmichael, Cobb, Coleman, Cooper, Cunningham, Curtis, Dereen, Driesbach, Edwards, Farden, Golson, Grayson, Green, Haralson, Harris of Lee, Harris of Russell, Inzer, Little, Martin of Conecuh, Moore, Parks, Robinson, Royal, Snodgrass, Terrell and Walton—26.

Mr. Martin of Tuscaloosa, voted in the negative.

The House bills—

H. B. 343. To declare A. D. McNeil, Luke Caley, William Lane, J. M. Crawford and B. T. Johnson, of the county of Escambia, citizens of the county of Monroe.

H. B. 363. To repeal an act entitled, an act to incorporate Union Town, in Perry county, Alabama, approved March 3, 1870.

H. B. 378. To require the county treasurer of Winston county to pay off all claims against said county according to the order in which they are filed and registered.

H. B. 379. To require all persons holding claims or warrants on the treasury of Winston county to have the same registered.

H. B. 380. To reduce the per diem of the county commis-

sioners of Winston county, and to authorize the commissioners court to levy a special tax to pay off the commissioners court, and to purchase blank records and stationery for the use of said county ;

Were severally read the first and second times, under a suspension of the constitutional rule and referred to the Committee on Municipal and County Organizations.

The House bills—

H. B. 365. To repeal section 545 of the Revised Code of Alabama, so far as it applies to Pickens county.

H. B. 442. To declare Pea river, between Russell's and Winslow's bridges in Coffee county, a lawful fence.

Were severally read the first and second times under a suspension of the constitutional rule, and referred to the Committee on Local Legislation.

Mr. Martin of Conecuh, moved to suspend the order of business to permit him to make a report from a select committee.

Lost.

Mr. Dereen moved to adjourn.

Lost. Yeas 10, Days 17.

Those who voted in the affirmative are—

Messrs. Coleman, Dereen, Edwards, Farden, Golson, Grayson, Harris of Russell, Martin of Conecuh, Royal and Terrell—10.

Those who voted in the negative are—

Messrs. Carmichael, Cobb, Cooper, Cunningham, Driesbach, Green, Hamilton, Haralson, Harris of Lee, Inzer, Little, Martin of Tuscaloosa, Moore, Parks, Robinson, Snodgrass and Walton—17.

The House bill—

H. B. 307. For the relief of the sureties of J. V. Benbow, the former tax collector of Crenshaw county ;

Was read the first and second times, under a suspension of the constitutional rule, and referred to a select committee composed of Messrs. Parks, Martin of Conecuh and Harris of Lee.

The House bills—

H. B. 319. For the relief of M. N. Killibrew & Son, of the county of Dale.

H. B. 177. To amend section one of an act to secure justices of the peace and notaries public in their fees in certain cases, approved December 16, 1871;

Were severally read the first and second times, under a suspension of the constitutional rule, and referred to the Finance Committee.

The House bill—

H. B. 422. To allow pilots the same pay for carrying a vessel out, that they are for bringing one in ;

Was read the first and second times, under a suspension of the constitutional rule, and laid on the table.

The House bill—

H. B. 408. To amend sections 23 and 26 of an act to regulate elections in the State of Alabama, approved April 22, 1873, as to the counties of Walker, DeKalb, Marshall, Jefferson, Tallapoosa, Coosa, Sumter, Winston, Chambers, Lee, Elmore, Monroe, Choctaw, Lauderdale, Covington, Cleburne, Baldwin and Limestone ;

Was read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Privileges and Elections.

The House bill—

H. B. 157. To authorize probate judges in the counties of Jackson, Clarke, Shelby, Randolph, Coosa, Russell, Winston, Fayette, Tallapoosa, Cleburne, Lowndes, Lawrence, Tuscaloosa, Monroe, Limestone, Marion, DeKalb, St. Clair, Calhoun, Sanford, Jefferson, Choctaw, Colbert, Franklin, Greene, Marshall, Baldwin, Cherokee, Clay, Lauderdale and Chilton, to order elections in certain cases, to prevent the sale, or giving away, or other disposition of vinous or spirituous liquors within certain limits in such counties ;

Was read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Temperance.

On motion of Mr. Terrell, the Senate adjourned at 3 o'clock.

Yeas 14, nays 13.

Those who voted in the affirmative are—

Messrs. Carmichael, Curtis, Dereen, Edwards, Farden, Golson, Haralson, Little, Martin of Conecuh, Parks, Royal, Snodgrass, Terrell and Walton—14.

Those who voted in the negative are—

Messrs. Cobb, Coleman, Cooper, Cunningham, Driesbach, Grayson, Green, Hamilton, Harris of Lee, Inzer, Martin of Tuscaloosa, Moore and Robinson—13.

SATURDAY, February 13, 1875.

The Senate met pursuant to adjournment.

Prayer by Rev. Dr. Andrews.

Present :

Messrs. Carmichael, Coleman, Cooper, Cunningham, Curtis, Dereen, Driesbach, Green, Hamilton, Haralson, Harris of Lee, Inzer, Little, Martin of Conecuh, Martin of Tuscaloosa, Moore, Parks, Royal, Snodgrass and Walton—20.

The journal of yesterday was read and approved.

Mr. Robinson was granted two days leave of absence, and Mr. Edwards one week.

On motion of Mr. Terrell, the Secretary was instructed to request the House to return to the Senate the Senate bill—

S. B. 158. To declare the terms on which foreign corporations, organized for mining or manufacturing purposes, may carry on the business and purchase, hold and convey real and personal property in this State.

#### CALL OF THE DISTRICTS.

Bills were introduced

By Mr. Little—

S. B. 567. To prohibit practicing attorneys from becoming sureties on official bonds of county officers.

By Mr. Parks—

S. B. 568. To authorize Mrs. S. M. Berry of Pike county to sell the lands therein named ;

Which were read the first and second times, under a suspension of the constitutional rule, and referred to the Judiciary Committee.

Mr. Parks, from the Committee on Municipal and County Organizations, reported favorably to the bill—

S. B. 452. To establish a revised charter for the city of Huntsville.

On motion of Mr. Farden, the words "six days" were struck out, and the words "eight days" inserted in the seventh section.

The constitutional rule was suspended, the bill read the third time and passed.

Mr. Grayson moved to reconsider the vote by which the bill passed.

On motion of Mr. Carmichael, the motion was tabled.

#### MESSAGE FROM THE HOUSE,

By Mr. Whitman :

HOUSE OF REPRESENTATIVES,  
February 13, 1875.

Mr. President :

The House has passed the following Senate bills :

S. B. 97. To fix the salary of the commissioner of industrial resources.

S. B. 18. To repeal an act entitled an act to regulate the confinement and discharge of persons charged with misdemeanors, approved December 17, 1873.

S. B. 132. For the relief of Elmira Myers, wife of Henry H. Myers of Limestone county, Alabama.

And has concurred in the Senate amendment to the House bill—

H. B. 29. To amend section 3705 of the Revised Code of Alabama.

The House has originated and passed a bill—

H. B. 346. To fix the rate of taxation upon the shares of National Banking Associations in this State.

I herewith return, by order of the House, and in obedience to the request of the Senate, the Senate bill—

S. B. 158. To declare the terms on which foreign corporations, organized for mining or manufacturing purposes, may carry on the business and purchase, hold and convey real and personal property in this State.

ELLIS PHELAN,  
Clerk.

Mr. Terrell moved to reconsider the vote by which the Senate refused to concur in the House amendment to the Senate bill—

S. B. 158. To declare the terms on which foreign corporations, organized for mining or manufacturing purposes, may carry on the business and purchase, hold and convey, real and personal property in this State.

The consideration of the question was temporarily suspended to continue the regular order of business.

Mr. Dereen, from the Committee on Local Legislation, offered to report certain local bills from that committee.

Mr. Parks made the point of order, that such reports could not be made without suspension of the regular order of business.

The chair overruled the point of order, and decided that under the head of "local bills," in the order of business for Saturday, was included reports from standing and select committees upon local bills, and that the same had precedence of

“miscellaneous business” in the order of business for the day.

Mr. Parks appealed from the decision of the chair.

The question being put, “Shall the decision of the chair be sustained,” the following named Senators voted in the affirmative :

Messrs. Carmichael, Cooper, Cunningham, Curtis, Dereen, Driesbach, Farden Golson, Grayson, Green, Haralson, Harris of Lee, Inzer, Martin of Conecuh, and Walton—15.

Those who voted in negative are—

Messrs. Coleman, Hamilton, Little, Moore, Parks, Royal and Terrell—7.

Mr. Dereen, from the Committee on Local Legislation, reported favorably to the following bills :

S. B. 503. To enlarge the criminal jurisdiction of the mayor and council of the town of Union Springs.

S. B. 393. To repeal an act to regulate the assessing and collecting the poll tax in the counties of Henry, Green, Dale, Russell and Madison, approved February 1, 1872, so far as the same relates to the county of Russell.

S. B. 372. To prevent camp hunting in the counties of Blount, Marion and Winston ;

Which were severally read the third time, under a suspension of the constitutional rule, and passed.

Mr. Terrell, from the Committee on the Militia, reported favorably to the bill—

S. B. 534. To amend an act to incorporate the Metropolitan Guards, approved February 24, 1860 ;

Which was read the third time, under a suspension of the constitutional rule, passed, and ordered to the House.

Mr. Parks, from the Committee on Municipal and County Organizations, reported favorably to the following bills :

S. B. 322. To incorporate the town of Cullman in the county of Blount.

S. B. 510. To incorporate the town of Auburn, in Lee county.

S. B. 87. To amend an act to incorporate the town of Leighton, in the counties of Lawrence and Colbert.

S. B. 119. To raise a fund for the benefit of the fire companies of the city of Selma ;

Which were severally read the third time, under a suspension of the constitutional rule, and passed.

Also, favorably to the bill—

S. B. 115. To authorize the corporate authorities of the town of Gadsden, in the county of Etowah, to change the corporate limits of said town as therein shown.

On motion of Mr. Cooper, the further consideration of the bill was postponed till Saturday, the 20th instant.

Mr. Hamilton, from the Judiciary Committee, recommended that the Senate concur in the House amendment to the Senate bill—

S. B. 350. To authorize the commissioners' court of Franklin county to lay off said county into four commissioners' districts

On motion of Mr. Coleman, the bill and amendments were laid on the table.

Mr. Hamilton, from same committee, reported favorably to the House bill—

H. B. 186. To repeal section 4031 of the Revised Code of Alabama, so far as it relates to Coffee and Geneva counties ;

Which was read the third time, under a suspension of the constitutional rule, and passed.

On motion of Mr. Walton, the bill—

S. B. 493. To repeal all special acts to regulate the fees and compensation of the judge of probate for Montgomery county,

Was referred to the Committee on Finance.

#### ENROLLED BILLS.

Mr. Harris of Lee, from the Committee on Enrolled Bills, reported the following correct :

S. B. 23. An act to amend sections 2421 and 2440 of the Revised Code.

S. B. 460. An act to amend section one of an act to provide for the funding of the domestic debt of the State, approved December 19, 1873.

S. B. 97. An act to fix the salary of the Commissioner of Industrial Resources.

S. B. 18. An act to repeal an act entitled an act to regulate the confinement and discharge of persons charged with misdemeanors, approved December 17, 1873.

S. B. 182. An act for the relief of Elmira Myers, wife of Henry H. Myers, of Limestone county, Ala.

#### MESSAGE FROM THE GOVERNOR,

By his Recording Secretary :

STATE OF ALABAMA,  
EXECUTIVE DEPARTMENT,  
MONTGOMERY, February 13th, 1875.

Mr. President :

The Governor has approved the following bills which originated in the Senate:

S. B. 460. An act to amend section one of an act to provide for the funding of the domestic debt of this State, approved December 19th, 1873.

S. B. 382. An act to divide the State into eight Congressional Districts.

Respectfully,  
 IKE H. VINCENT,  
 Recording Secretary.

The House bill—

H. B. 101. To establish a charter for the town of Geneva ;

Was read the first, second and third times, under a suspension of the constitutional rule, and passed.

Mr. Moore offered the following joint resolutions :

WHEREAS, In the opinion of the General Assembly of Alabama, Hon. George E. Spencer does not rightfully occupy a seat in the Senate of the United States as a Senator from Alabama, therefore,

Be it resolved by the Senate of Alabama, the House of Representatives concurring, That a joint committee, to consist of two Senators and three members of the House of Representatives, be appointed to investigate, examine and report to the Houses of the General Assembly the facts relating to his alleged election as Senator, and the means by which such election was procured, and his credentials as a Senator were obtained.

2d. Resolved, That said committee, or a majority thereof, may sit during the session of the General Assembly and during the recess, at any place in this State, and shall have authority to send for persons and papers, and to call witnesses before them, and to examine them on oath ; and employ a clerk to keep the records and papers of the committee.

3d. Resolved, That said committee report, with all convenient speed, a memorial to be adopted by the General Assembly, to the Senate of the United States, touching the claim of George E. Spencer to a seat in that body, as a Senator from Alabama, and shall report to the two Houses the evidence taken under these resolutions.

Mr. Green moved to include Senator Goldthwaite under the resolution of inquiry.

On motion of Mr. Carmichael, the amendment was tabled. Yeas 17—nays 6.

Those who voted in the affirmative are—

Messrs. Carmichael, Coleman, Cooper, Cunningham, Driesbach, Grayson, Hamilton, Harris of Lee, Inzer, Little, Mar-



tin of Conecuh, Martin of Tuscaloosa, Moore, Parks, Snodgrass, Terrell and Walton—17.

Those who voted in the negative are—

Messrs. Curtis, Farden, Golson, Green, Haralson and Royal—6.

Mr. Haralson moved to amend by adding the following :

“ That said committee also investigate into the election of all other officers of this State, at the election held for the same on the 3rd of November, 1874, and that an equal number of members, as near as may be, of political parties, in its General Assembly, shall constitute said committee.”

On motion of Mr. Coleman, the amendment was tabled. Yeas 16—nays 6.

Those who voted in the affirmative are—

Messrs. Carmichael, Coleman, Cooper, Driesbach, Grayson, Hamilton, Harris of Lee, Inzer, Little, Martin of Conecuh, Martin of Tuscaloosa, Moore, Parks, Snodgrass, Terrell and Walton—16.

Those who voted in the negative are—

Messrs. Curtis, Dereen, Farden, Golson, Haralson and Royal—6.

Mr. Dereen offered the following amendment:

Insert in the ninth line of the third resolution, after the word “ report,” the words, “ the same.” In the tenth line, insert after the word “ Houses,” the words, “ of the General Assembly, together with.”

On motion of Mr. Moore, the amendment was tabled.

Mr. Farden moved to indefinitely postpone the resolution.

Lost. Yeas 7—nays 17.

Those who voted in the affirmative are—

Messrs. Curtis, Dereen, Farden, Golson, Green, Haralson and Royal—7.

Those who voted in the negative are—

Messrs. Carmichael, Coleman, Cooper, Cunningham, Driesbach, Grayson, Hamilton, Harris of Lee, Inzer, Little, Martin of Conecuh, Martin of Tuscaloosa, Moore, Parks, Snodgrass, Terrell and Walton—17.

Mr. Hamilton moved to strike out the word “ addressed,” in the third line of the third resolution, and insert the word “ adopted ;” and after the word “ Assembly,” in the fourth line, insert the word “ addressed.”

The amendment was adopted.

Mr. Haralson moved to strike out the word “ claims,” in the sixth line of the third resolution.

On motion of Mr. Moore, the amendment was tabled,

Mr. Haralson moved to lay the resolutions on the table.

Lost. Yeas 7—nays 17.

Those who voted in the affirmative are—

Messrs. Curtis, Dereen, Farden, Golson, Green, Haralson and royal—7.

Those who voted in the negative are—

Messrs. Carmichael, Coleman, Cooper, Cunningham, Driesbach, Grayson, Hamilton, Harris of Lee, Inzer, Little, Martin of Conecuh, Martin of Tuscaloosa, Moore, Parks, Snodgrass, Terrell and Walton—17.

Mr. Haralson moved to strike out the words “ send for persons and papers.”

On motion of Mr. Terrell, the motion was tabled.

Mr. Haralson moved to postpone till Monday.

On motion of Mr. Carmichael, the motion was tabled.

Mr. Curtis moved to adjourn.

Lost.

The resolutions were adopted. Yeas 16, nays 6.

Those who voted in the affirmative are—

Messrs. Carmichael, Coleman, Cooper, Driesbach, Grayson, Hamilton, Harris of Lee, Inzer, Little, Martin of Conecuh, Martin of Tuscaloosa, Moore, Parks, Snodgrass, Terrell and Walton—16.

Those who voted in the negative are—

Messrs. Curtis, Dereen, Farden, Green, Haralson and Royal—6.

Mr. Coleman moved to reconsider the vote adopting the resolutions.

On motion of Mr. Carmichael, the motion was tabled.

Yeas 16, nays 5.

Those who voted in the affirmative are—

Messrs. Carmichael, Coleman, Cooper, Cunningham, Driesbach, Grayson, Hamilton, Harris of Lee, Inzer, Little, Martin of Conecuh, Martin of Tuscaloosa, Moore, Parks, Snodgrass and Walton—16.

Those who voted in the negative are—

Messrs. Curtis, Farden, Green, Haralson and Royal—5.

Committee on the part of the Senate, Messrs. Little and Parks.

Mr. Terrell renewed his motion to reconsider the vote by which the Senate refused to concur in the House amendment to the Senate bill—

S. B. 158. To declare the terms on which foreign corporations organized for mining or manufacturing purposes, may

carry on the business, and purchase, hold and convey real and personal property in this State.

Mr. Parks moved to adjourn.

Lost. Yeas 9, nays 14.

Those who voted in the affirmative are—

Messrs. Carmichael, Dereen, Driesbach, Farden, Haralson, Martin of Conecuh, Parks, Royal and Snodgrass—9.

Those who voted in the negative are—

Messrs. Coleman, Cooper, Cunningham, Curtis, Grayson, Green, Hamilton, Harris of Lee, Inzer, Little, Martin of Tuscaloosa, Moore, Terrell and Walton—14.

On motion of Mr. Parks, the consideration of the motion to reconsider was postponed, and made the special order for Monday at 12 o'clock m.

Mr. Martin of Tuscaloosa, offered joint resolutions in relation to raising a joint committee to investigate and report upon a proper revenue system for this State ;

Which were read.

Mr. Parks moved to adjourn.

Lost. Yeas 9, nays 14.

Those who voted in the affirmative are—

Messrs. Carmichael, Dereen, Farden, Little, Martin of Conecuh, Parks, Snodgrass, Terrell and Walton—9.

Those who voted in the negative are—

Messrs. Coleman, Cooper, Cunningham, Curtis, Driesbach, Grayson, Green, Hamilton, Haralson, Harris of Lee, Inzer, Martin of Tuscaloosa, Moore and Royal—14.

The resolutions were referred to the Finance Committee.

Mr. Hamilton offered the following resolution, which was adopted :

Resolved, That the Committee on Industrial Resources and Public Buildings, be instructed to have the roof of the capitol over the Senate chamber examined, and take measures to have the same properly repaired, in order that the ceiling of the chamber may be protected from injury by leaks.

On motion of Mr. Farden, at 4 o'clock, p. m., the Senate adjourned.

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MONDAY, February 15, 1875.

The Senate met pursuant to adjournment.

Prayer by Rev. Jefferson Falkner.

Present: Messrs. Carmichael, Coleman, Cooper, Cunningham, Curtis, Dereen, Farden, Golson, Grayson, Green, Hamilton, Harris of Lee, Inzer, Jones, Little, Martin of Conecuh,

Martin of Tuscaloosa, Moore, Robinson, Royal, Snodgrass and Walton—22.

The journal of Saturday was read and approved.

On motion of Mr. Coleman, the order of business was suspended to take from the table the bill—

S. B. 350. To authorize the commissioners court of Franklin county to lay off said county into four commissioners districts.

The House amendments were concurred in.

Mr. Dereen, by leave, from the Committee on Local Legislation, reported favorably, with an amendment, to the House bill—

H. B. 337. To establish boards of health in the State of Alabama.

Amend by adding the following proviso to the last section of the bill : “ Provided, that this act may be changed, modified or repealed at any time, at the pleasure of the General Assembly of this State.”

The amendment was adopted.

On motion of Mr. Coleman, the following amendment was adopted :

Add this proviso to section 3, “ Provided, that the State shall in no case be liable for any expenses incurred under this act.”

On motion of Mr. Cobb, the bill was postponed and made the special order for 12 o'clock, m., to-morrow.

On motion of Mr. Walton, the vote was reconsidered by which the Senate passed the bill—

S. B. 119. To raise a fund for the benefit of the fire companies in the city of Selma.

The vote by which the bill was ordered to a third reading was reconsidered, and the bill was recommitted to the Committee on Municipal and County Organizations.

Mr. Grayson, by leave, offered the following resolution, which lies over one day :

Be it resolved by the Senate, That from and after the adoption of this resolution, the Senate shall meet daily, Sundays excepted, at ten minutes before 10 o'clock, a. m., and adjourn at pleasure.

Mr. Cunningham, from the Finance Committee, reported favorably to the joint resolutions—

In relation to a proper revenue system for the State of Alabama.

The resolutions were adopted and ordered to the House.

The Senate committee consists of Messrs. Hamilton and Carmichael.

## MESSAGE FROM THE GOVERNOR,

By his Recording Secretary :

EXECUTIVE DEPARTMENT,  
STATE OF ALABAMA,  
MONTGOMERY, Feb.15, 1875.

Mr. President:

The Governor has approved the following bill, which originated in the Senate—

S. B. 23. An act to amend sections 2421 and 2440 of the Revised Code.

Very respectfully,  
IKE H. VINCENT,  
Recording Secretary.

On motion of Mr. Cobb, the order of business was suspended to take up the House joint resolution—

In relation to raising a joint committee for the purpose of considering the propriety of funding the domestic debt of the State.

On motion of Mr. Martin of Tuscaloosa, the words " such committee as the Senate may designate," were struck out, and the words "a special committee of three on the part of the Senate," were inserted.

The resolution was adopted, and Messrs. Martin of Tuscaloosa and Inzer were appointed said committee on the part of the Senate.

Mr. Farden, from the select committee, reported favorably, with an amendment, to the bill—

S. B. 566. To furnish water-pipes in the capitol building. Amend by striking out "\$500," and inserting "\$300."

The amendment was adopted, the constitutional rule suspended, the bill read the third time and passed.

## CALL OF THE DISTRICTS.

Bills were introduced:

By Mr. Moore—

S. B. 569. To authorize the probate court of Franklin county to take jurisdiction of the administration of the estate of Ambrose D. McCord, late of said county, deceased, notwithstanding the relationship of the judge of said court with the decedent.

By Mr. Martin of Tuscaloosa—

S. B. 574. To authorize the court of county commissioners of Wilcox county to levy a special tax to enclose the court-

house of said county, and to furnish and repair said court-house.

By Mr. Cunningham—

S. B. 575. To require the commissioners court of Talladega county to let the contract for medical treatment of the inmates of the poor house of said county annually to the lowest bidder therefor.

By Mr. Hamilton—

S. B. 578. To provide tor the filling of vacancies “which may occur in the office of mayor, treasurer, tax collector, auditor and clerk of the city of Mobile ;

Which were severally read the first, second and third times, under a suspension of the constitutional rule, and passed, and ordered forthwith to the House.

By Mr. Inzer—

S. B. 570. To prohibit druggists and physicians in this State from selling or otherwise disposing of vinous, spirituous or malt liquors without first obtaining a license therefor.

By Mr. Martin of Tuscaloosa—

S. B. 573. To repeal sections 108 and 118 of the revenue law of 1868 ;

Which were severally read the first and second times, under a suspension of the constitutional rule, and referred to the Finance Committee.

By Mr. Inzer—

S. B. 571. To establish a Bureau of Immigration, and to define its powers and provide for its support.

By Mr. Martin of Tuscaloosa—

S. B. 572. To regulate publication by tax assessors and tax collectors.

By Mr. Little—

S. B. 577. To amend section 4222 of the Revised Code, so far as it relates to Sumter county ;

Which were severally read the first and second times, under a suspension of the constitutional rule, and referred to the Judiciary Committee.

By Mr. Terrell—

S. B. 576. To amend section 3853 of the Revised Code ;

Which was read the first, second and third times, under a suspension of the constitutional rule, and passed.

The hour of 12 o'clock having arrived, the Senate proceeded to the consideration of the

#### SPECIAL ORDER,

Which was the bill—

S. B. 158. To declare the terms on which foreign corpora-

tions organized for mining or manufacturing purposes may carry on their business, and purchase, hold and convey real and personal property in this State.

The question being the motion to reconsider the vote by which the Senate refused to concur in the House amendment,

It was reconsidered. Yeas 20—nays 3.

Those who voted in the affirmative are—

Messrs. Cobb, Coleman, Cooper, Cunningham, Curtis, Driesbach, Farden, Grayson, Hamilton, Harris of Lee, Inzer, Jones, Little, Martin of Conecuh, Martin of Tuscaloosa, Moore, Royal, Snodgrass, Terrell and Walton—20.

Those who voted in the negative are—

Messrs. Carmichael, Leftwich and Parks—3.

The further consideration was postponed and made the special order for Wednesday at 11 o'clock, a. m.

Mr. Farden moved to adjourn.

Lost.

#### MESSAGE FROM THE GOVERNOR,

By his Recording Secretary.

#### STATE OF ALABAMA, EXECUTIVE DEPARTMENT, MONTGOMERY, Feb. 15, 1875.

Mr. President :

The Governor has approved the following bills, which originated in the Senate :

S. B. 18. An act to repeal an act entitled an act to regulate the confinement and discharge of persons charged with misdemeanors, approved December 17th, 1873.

S. B. 132. An act for the relief of Elmira Myers, wife of Henry H. Myers of Limestone county. Ala.

S. B. 97. An act to fix the salary of the Commissioner of Industrial Resources.

Respectfully,

I. H. VINCENT,  
Recording Secretary.

Bills were introduced.

By Mr. Carmichael—

S. B. 581. To amend the last paragraphs of sections 3514, 3617, 3518 of the Revised Code, so far as they relate to the county of Dale ;

Which was read the first, second and third times, under a suspension of the constitutional rule, and passed.

By Mr. Martin of Conecuh—

S. B. 579. To amend section 9 of an act to incorporate the town of Evergreen, Conecuh county.

Also,

S. B. 580. To detach a portion of Escambia county and attach it to Conecuh county ;

Which were severally read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Municipal and County Organizations.

Mr. Martin of Conecuh, moved to adjourn.

Lost. Yeas 8—nays 15.

Those who voted in the affirmative are—

Messrs. Coleman, Farden, Grayson, Jones, Martin of Conecuh, Martin of Tuscaloosa, Terrell and Walton—8.

Those who voted in the negative are—

Messrs. Carmichael, Cobb, Cooper, Cunningham, Curtis, Driesbach, Green, Hamilton, Harris of Lee, Inzer, Leftwich, Little, Moore, Parks and Snodgrass —15.

Mr. Driesbach, from the Committee on the Penitentiary, to which was referred the Governor's Message and accompanying document in relation to leasing the penitentiary farm, reported the following bill ;

S. B. 582. To empower and authorize the Governor to lease out or rent the penitentiary farm, together with such of the stock or other material as may be upon such farm, and to hire such lessee convicts not to exceed in number, one hundred and thirty-five, and for a period not to exceed eight years ;

Which was read the first and second times, under a suspension of the constitutional rule.

On motion of Mr. Parks, the further consideration was postponed, and made the special order for Thursday at twelve o'clock, m.

On motion of Mr. Hamilton, the Senate resumed the consideration of the bill—

S. B. 357. To regulate the holding of office, in cases where an appointment has been made, upon a certified vacancy in the office.

Mr. Farden moved to postpone till Wednesday.

Lost.

The bill was ordered to a third reading on Tuesday, at 11 o'clock, a. m.

On motion of Mr. Carmichael, at 3 o'clock, p. m., the Senate adjourned.



THURSDAY, February 16, 1875.

The Senate met pursuant to adjournment.

Prayer by Rev. Jefferson Falkner.

Present—

Messrs. Carmichael, Cobb, Coleman, Cooper, Cunningham, Curtis, Dereen, Driesbach, Glass, Golson, Grayson, Hamilton, Harris of Lee, Harris of Russell, Inzer, Jones, Leftwich, Little, Martin of Conecuh, Martin of Tuscaloosa, Moore, Parks, Royal, Snodgrass and Walton—25.

The journal of yesterday was read and approved.

Mr. Martin of Tuscaloosa, moved to reconsider the vote by which the Senate adopted the amendment offered by Mr. Coleman to the House bill—

H. B. 337. To establish boards of health in the State of Alabama.

Mr. Cunningham, from the Finance Committee, reported a substitute for the House bill—

H. B. 57. To establish revenue laws for the State of Alabama.

The substitute was adopted.

On motion of Mr. Cobb, the further consideration of the bill was postponed, and made the special order for Monday, the 19th instant, immediately after the reading of the journal, and at the same hour each day until disposed of, and that 200 copies of the bill be printed.

On motion of Mr. Carmichael, the Senate proceeded to the consideration of

#### HOUSE MESSAGES.

The House bill—

H. B. 29. To prevent excessive pay to witnesses in State cases ;

Which was read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Revision of Laws.

The House bill—

H. B. 251. For the relief of James Harrison, late sheriff of Marengo county ;

Was read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Privileges and Elections.

The House bills—

H. B. 352. To incorporate the town of Hartsell, in the county of Morgan.

H. B. 298. To define the lines of the corporate limits of the town of Gadsden, in Etowah county ;

Was severally read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Municipal and County Organizations.

The House bills—

H. B. 184½. To authorize the filing and recording of certain deeds of conveyance therein named, in the offices of the probate courts of this State.

H. B. 248. To relieve Elizabeth Parish of the disabilities of coverture as to her separate estate and contracts.

H. B. 327. To establish a new election precinct in the county of Jackson.

H. B. 340. To authorize the sale of real estate held by tenants for life for division between tenants for life and remainder men.

H. B. 238. To amend section 3655 of the Revised Code of Alabama.

H. B. 368. To exempt from levy and sale court-houses, jails and poor-houses in this State.

H. B. 109. To prevent the corrupt sale of public funds by the commissioners courts of this State ;

Were severally read the first and second times, under a suspension of the constitutional rule, and referred to the Judiciary Committee.

The House bills—

H. B. 190. To incorporate the town of Ashland, in the county of Clay.

H. B. 240. To authorize the Monte Lano Turnpike Company to sell, mortgage, or otherwise dispose of their road, works, property and franchises of every nature,

H. B. 247. To authorize the Governor to issue a patent to Dudley D. Palmer for the southeast quarter of the southwest quarter of section sixteen, township eight, range two, west, in Washington county.

H. R. 290. Joint resolution to pay Williamson and Johns for work done upon the Senate Chamber and Hall of the House of Representatives.

H. B. 225. To repeal an act entitled an act to establish a city court for the county of Lee, with criminal and civil jurisdiction.

H. B. 391. For the relief of Jno. D. Pruitt and Penomsby C. Bell, and George W. Rowe, and Elizabeth Smith of St. Clair county ;

Were read the first, second and third times, under a suspension of the constitutional rule, and passed.

The House bill—

H. B. 266. To provide for the creation and regulation of street railroads in Alabama ;

Was read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Internal Improvements.

The House bill—

H. B. 276. For the relief of J. D. B. McDuffie, late tax assessor of Montgomery county ;

Was read the first and second times, under a suspension of the constitutional rule, and referred to a select committee, composed of Messrs. Farden, Carmichael and Parks.

The hour of eleven o'clock having arrived, the special orders for this hour were postponed, and made the special order for twelve o'clock, m., to-morrow.

#### MESSAGE FROM THE HOUSE,

By Mr. Whitman :

HOUSE OF REPRESENTATIVES,  
February 16, 1875.

Mr. President :

The House has passed the following Senate bills :

S. B. 367. To repeal an act to compel certain persons therein named to work on the public roads in Jefferson, St. Clair, DeKalb, Washington and Tuscaloosa counties, approved 13th of January, 1846, so far as the same applies to the county of St. Clair.

S. B. 189. To amend section one of an act to incorporate the town of Courtland, in the county of Lawrence, approved December 16, 1873.

S. B. 341. To repeal an act to make the circuit court clerks of Autauga county ex-officio clerks of the county court, approved March 8, 1871.

The House has amended, as therein shown, and passed the Senate bills :

S. B. 123. To repeal an act to regulate the publication of legal notices in the counties of Shelby, Walker, Baker, DeKalb, Cleburne, Marshall, Winston, Franklin, Coosa, Marion, Jefferson, St. Clair, Geneva, Covington, Bibb, Coffee, Dale and Lawrence.

S. B. 210. To restrict the assessment, levy or collection of taxes and licenses for county purposes in the county of Talladega, and to repeal an act entitled "an act to restrict the counties to a certain rate of taxation," approved April 19,

1873, in so far as the same relates to the county of Talladega.

And has originated and passed the following House bills :

H. B. 198. To declare the Chickasaw, Birmingham and Tuscaloosa Railroad Company a lawful corporate body to mine and manufacture, and also fix rate of passenger transportation.

H. B. 210. To repeal an act entitled an act to regulate the publication of legal and other notices in the State of Alabama, approved August 12, 1868, and an act entitled "an act to amend the same," approved October 18, 1868, so far as the same relates to the county of Elmore.

H. B. 310. To provide weights and measures for the county of Clay.

H. B. 244. To provide for the payment of witness fees in criminal cases in the county court of Marengo county.

H. B. 295. To provide for the election of two county surveyors in Calhoun county.

H. B. 296. To make James Dobbs, of Cherokee, a citizen of Calhoun county.

H. B. 342. To authorize Asa Parker, of Monroe county, to erect two gates across a public road in said county.

H. B. 246. To more effectually provide for the payment of grand and petit juries of the county of Washington.

H. B. 306. To authorize the county surveyor of Covington county to appoint a deputy surveyor, and also to define the duty of the county surveyor.

H. B. 339. To authorize the Governor to issue a patent to Minerva J. Goodwin for the northwest quarter and the southwest quarter of section 16, township 9, range 3 east, in Marshall county, State of Alabama.

H. B. 309. For the protection of steamboats when passing drawbridges of railroads.

H. B. 464. To amend section one of an act entitled, an act to amend section one of the charter of the Elyton Land Company, in Jefferson county, incorporated under the general laws of the State.

H. B. 571. To authorize the commissioners court of Wilcox county to levy a special tax to enclose the courthouse of said county, and to furnish and repair said courthouse.

H. B. 573. For the relief of Robert J. Powell et als. of Coosa county.

H. B. 456. In relation to the Selma Exposition.

H. B. 189. To incorporate Protection Hook and Ladder Company No. 1, in the city of Greenville, in Butler county, Alabama.

H. B. 407. To authorize W. G. Gravlee to erect a mill dam across the Warrior river.

H. B. 669. To prohibit the sale, or otherwise disposing of spirituous, vinous or malt liquors within three (3) miles of Locust Grove Baptist church, in Madison county.

H. B. 570. To amend section 859 of the Revised Code.

H. B. 589. To declare Milas M. McKay, of the county of Sanford, a citizen of the county of Marion.

H. B. 591. To prevent camp hunting, firing the woods, or driving for deer in beats Nos. 5 and 16, in Marshall county.

The House has amended, by adopting a substitute therefor, and passed Senate bill—

S. B. 235. To regulate the terms of the first judicial circuit.

ELLIS PHELAN,  
Clerk.

The House amendments were concurred in to the Senate bills—

S. B. 210. To restrict the assessment, levy or collection of taxes and licenses, for county purposes, in the county of Talladega, and to repeal an act entitled, an act to restrict the counties to a certain rate of taxation, approved April 19, 1873, in so far as the same relates to the county of Talladega.

S. B. 123. To repeal an act to regulate the publication of legal notices in the counties of Shelby, Walker, Baker, DeKalb, Cleburne, Marshall, Winston, Franklin, Coosa, Marion, Jefferson, St. Clair, Geneva, Covington, Bibb, Coffee, Dale and Lawrence, approved March 3, 1870, as to the counties of Shelby, Walker, Chilton, Jefferson, St. Clair, Bibb, Dale and Lawrence.

The House bill—

H. B. 336. To prevent camp hunting in the counties of Marion, Winston, St. Clair and Walker ;

Was read the first and second times, under a suspension of the constitutional rule.

Mr. Grayson moved to lay the bill on the table.

Lost. Yeas 5, nays 17.

Those who voted in the affirmative are—

Messrs. Cunningham, Grayson, Jones, Leftwich and Royal—5.

Those who voted in the negative are—

Messrs. Carmichael, Cobb, Coleman, Cooper, Dereen, Driesbach, Farden, Glass, Golson, Harris of Lee, Harris of Russell, Inzer, Little, Martin of Conecuh, Martin of Tuscaloosa, Parks and Walton—17.

The bill was referred to a select committee composed of Messrs. Inzer, Martin of Tuscaloosa and Grayson.

The hour of twelve o'clock having arrived, the Senate proceeded to the consideration of the

### SPECIAL ORDER,

Which was the House bill—

H. B. 337. To establish boards of health in the State of Alabama.

The question being the motion to reconsider the vote by which the amendment offered by Mr. Coleman was adopted, it was reconsidered.

On motion of Mr. Terrell, the amendment was tabled.

Yeas 15, nays 10.

Those who voted in the affirmative are—

Messrs. Curtis, Dereen, Farden, Glass, Grayson, Hamilton, Jones, Leftwich, Martin of Conecuh, Martin of Tuscaloosa, Moore, Parks, Royal, Terrell and Walton—15.

Those who voted in the negative are—

Messrs. Carmichael, Cobb, Coleman, Cunningham, Golson, Harris of Lee, Harris of Russell, Inzer, Little and Snodgrass—10.

Mr. Martin of Tuscaloosa, moved to amend by adding the following to the last section of the bill: "And provided farther, That if this act be modified at any time, as herein provided for, it shall be optionary with said medical association to continue or not as the board of health of the State of Alabama; and in case said medical association shall refuse to continue as said board of health, it shall be the duty of said medical association, through such officers as it may select, to communicate the same to the Governor, and thereafter this act shall cease to be in force."

The amendment was adopted.

Mr. Cobb offered the following, to be added to the last section: "Provided that the provisions of this act shall in no manner interfere with, or be construed to deprive any city or town of any of its chartered rights, privileges, or immunities."

Mr. Terrell moved to postpone, and make the bill the special order for 12 o'clock, m., to-morrow.

Mr. Martin of Tuscaloosa, moved to lay the motion on the table.

Lost.

The motion to postpone prevailed.

Mr. Parks, by leave, from the select committee, reported favorably to the House bill—

H. B. 307. For the relief of the sureties of J. V. Benbow, tax collector of Crenshaw county ;

Which was read the third time, under a suspension of the constitutional rule, and passed.

Yeas 12, nays 11.

Those who voted in the affirmative are—

Messrs. Cobb, Cooper, Cunningham, Curtis, Dereen, Farden, Grayson, Harris of Lee, Martin of Conecuh, Martin of Tuscaloosa, Moore and Parks—12.

Those who voted in the negative are—

Messrs. Carmichael, Driesbach, Glass, Hamilton, Harris of Russell, Inzer, Leftwich, Little, Snodgrass, Terrell and Walton—11.

### ENROLLED BILLS.

Mr. Dereen, from the Committee on Enrolled Bills, reported the following correct :

S. B. 123. An act to repeal an act to regulate the publication of legal notices in the counties of Shelby, Walker, Baker, DeKalb, Cleburne, Marshall, Winston, Franklin, Coosa, Marion, Jefferson, St. Clair, Geneva, Covington, Bibb, Coffee, Dale and Lawrence, approved March 3, 1870, as to the counties of Shelby, Walker, Chilton, Jefferson, St. Clair, Bibb, Dale and Lawrence.

S. B. 367. An act to repeal an act to compel certain persons therein named to work on the public roads in Jefferson, St. Clair, DeKalb, Washington and Tuscaloosa counties, approved 13th January, 1846, so far as the same applies to the county of St. Clair.

S. B. 344. An act to repeal an act to make the circuit court clerk of Autauga county ex-officio clerk of the county court, approved March 8, 1871.

S. B. 189. An act to amend section one of an act to incorporate the town of Courtland in the county of Lawrence, approved December 16, 1873.

S. B. 210. An act to restrict the assessment, levy or collection of taxes and licenses for county purposes in the county of Talladega ; and to repeal an act entitled an act to restrict the counties to a certain rate of taxation, approved April 19, 1873, in so far as the same relates to the county of Talladega.

Mr. Harris of Lee, from the same committee, reported the following correctly enrolled :

S. B. 350. An act to authorize the commissioners' courts of Franklin and other counties, to lay off their respective counties into four commissioners districts.

On motion of Mr. Terrell, an half past two o'clock, the Senate adjourned.

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WEDNESDAY, February 17, 1875.

The Senate met pursuant to adjournment.

Prayer by Rev. Jefferson Falkner.

Present—

Messrs. Black Carmichael, Coleman, Cunningham, Curtis, Dereen, Driesbach, Glass, Golson, Grayson, Green, Hamilton, Harris of Lee, Harris of Russell, Inzer, Jones, Leftwich, Little, Martin of Conecuh, Martin of Tuscaloosa, Moore, Robinson, Royal, Snodgrass and Walton—25.

Mr. Martin of Tuscaloosa moved to reconsider the vote adopting the amendment offered by himself to the House bill—

H. B. 337. To establish Boards of Health in the State of Alabama.

Indefinite leave of absence was granted to Mr. Parks on account of sickness.

Mr. Cunningham, by leave, reported from the Committee on Finance, a substitute for the bill—

S. B. 562. To restrict the power of taxation by cities and incorporated towns, as required by section 16, article XIII, of the constitution of this State.

The substitute was adopted, the constitutional rule suspended, the bill read the third time and passed.

The Senate concurred in the House amendments to the Senate bill—

S. B. 535. To regulate the terms of the courts of the first judicial circuit ;

And the House was notified forthwith of the concurrence.

#### MESSAGE FROM THE GOVERNOR,

By his Recording Secretary.

STATE OF ALABAMA,  
EXECUTIVE DEPARTMENT,  
Montgomery, Feb. 17, 1875.

Mr. President :

The Governor has approved the following bill which originated in the Senate :

S. B. 350. To authorize the commissioners' court of



Franklin and other counties to lay off their respective counties into four commissioners' districts.

Respectfully,  
IKE H. VINCENT,  
Recording Secretary.

MESSAGE FROM THE HOUSE,

By Mr. Whitman :

HOUSE OF REPRESENTATIVES,  
February 17th, 1875.

Mr. President :

The House has passed the following Senate bills :

S. B. 128. To amend section 1386 of the Revised Code.

S. B. 278. To amend an act to confer jurisdiction upon the chancery courts of the State to relieve minors over 18 years of age from the disabilities of non-age, approved March 17th, 1873.

S. B. 480. To compel sheriffs, clerks of the circuit court and registers in chancery having moneys in their hands, subject to further order of court, to pay the same over to their successors in office.

S. B. 534. To amend an act to incorporate the Metropolitan Guards, approved February 24, 1860.

S. B. 540. To enable boards of underwriters, companies, corporations, associations, underwriters' agents, or persons to establish and maintain fire insurance patrol.

S. B. 574. To authorize the court of county commissioners of Wilcox county to levy a special tax to enclose the courthouse of said county, and to furnish and repair said courthouse.

And has originated and passed—

H. R. 592. Joint resolution authorizing the auditor to draw his warrant on the treasury in favor of Frank Cooke, for services rendered in hoisting two U. S. flags above the two Houses at the beginning of the session.

ELLIS PHELAN,  
Clerk.

The hour of eleven o'clock having arrived, the Senate proceeded to the consideration of the

SPECIAL ORDER,

Which was the Senate bill, amended by the House, by way of substitute—

S. B. 158. To declare the terms on which foreign corporations, organized for mining or manufacturing purposes, may carry on the business, and purchase, hold and convey real and personal property in this State,

Mr. Hamilton offered the following as a substitute for the first section of the House substitute :

“ SEC. 1. Be it enacted by the General Assembly of Alabama, That it shall be lawful for alien friends, resident in this State, to take and hold real property in this State, by purchase or inheritance, and to dispose of the same by sale or devise ; and the same may descend and be inherited, the same as in the case of native citizens ; and it shall be lawful for alien friends non-resident to acquire titles to real property in this State by way of mortgages for the security of loans and debts, and also to acquire and hold real property by purchase, when it is acquired for the purpose of cultivation, or of mining, quarrying, or carrying on, within this State, any kind of manufacturing ; and to sell and dispose of them by deed, and to transmit by devise or descent, and the same may be inherited in like manner as in the case of native citizens ; Provided, That in this last mentioned case, such cultivation, mining, quarrying or manufacturing must be begun in good faith within three years from the date of such acquisition, with intent and purpose in good faith to continue the same, (and provided that in case of war between the United States and the Government to which such alien owes allegiance) or in case of failure to comply with the terms of this act as to actual cultivation of said lands, or prosecuting mining, quarrying or manufacturing operations therein or thereon, the right of escheat to the State shall exist, revive, and be in force, the same in all respects as if this act had never been passed.”

On motion of Mr. Terrell, the amendment offered by Mr. Hamilton was tabled.

Mr. Little offered the following amendment, which was adopted :

Add to section one of the House substitute the words :  
 “Provided, That non-resident aliens purchasing lands under the provisions of this act, shall in good faith, within three years from the date of said purchase, improve said lands by mining, quarrying, manufacturing or farming the same, in default of which, said non resident aliens shall not be entitled to the benefit of the provisions of this act.”

The House substitute as amended was concurred in, and the House notified of the concurrence.

The caption of the substitute is as follows :

S. B. 158. To enable aliens to acquire, hold and dispose of property, real and personal, as native citizens.

The next special order was the bill—

S. B. 85. In relation to the formation of grand and petit juries.

On motion of Mr. Carmichael, the bill was laid on the table.

The next special order was the bill—

S. B. 357. To regulate the holding of office in cases where an appointment has been made upon a certified vacancy in the office;

Which was read the third time and passed.

The next special order was the House bill—

H. B. 337. To establish boards of health in the State of Alabama.

The question being the motion made by Mr. Martin of Tuscaloosa, to reconsider the vote adopting the amendment offered by himself, it prevailed, and he withdrew the amendment.

Mr. Hamilton withdrew the amendment offered by Mr. Cobb.

Mr. Coleman moved to amend by adding the following to the third section : "Provided, That the expenses incurred in said section, shall be confined to the actual printing of said report."

On motion of Mr. Farden, the amendment was tabled.

The rule was suspended, the bill read the third time, and passed.

Mr. Dereen moved to reconsider the vote passing the bill.

On motion of Mr. Farden, it was tabled.

On motion of Mr. Grayson, the order of business was suspended to proceed to the consideration of

#### HOUSE MESSAGES.

The House bills and joint resolution—

H. B. 338. Authorizing the Governor to lease the Marine Hospital at Mobile from the Government of the United States.

H. B. 322. For the relief of Isabella M. Winston.

H. B. 113. To separate the counties of Marengo and Hale from the Western Chancery Division, and annex the same to the Middle Chancery Division, and to provide for holding of courts therein.

H. B. 485. To consolidate the offices of clerk of the circuit court and county treasurer of the county of Fayette.

H. B. 567. To establish the thirteenth chancery district of the Northern Chancery Division.

H. B. 339. To authorize the Governor to issue a patent to Minerva J. Goodwin, for the northwest quarter and the southwest quarter of section sixteen, township nine, range three, east, in Marshall county, State of Alabama ;

Which were severally read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Local Legislation.

The House bill—

H. B. 103. For the protection of insectivorous birds in the counties of Dallas and Barbour, and to punish the killing and taking of the same ;

Was read the first and second times, under a suspension of the constitutional rule.

Mr. Farden moved to strike out "Dallas county," where it occurs in the bill, and insert "the State of Alabama."

On motion of Mr. Royal, the amendment was tabled.

The bill was referred to the Committee on Internal Improvements.

The House bill—

H. B. 129. To amend section 3706 of the Revised Code of Alabama ;

Was read the first and second times, under a suspension of the constitutional rule.

Mr. Farden moved to strike out the word "goat."

On motion of Mr. Carmichael, the amendment was tabled.

The bill was ordered to a third reading, and made the special order for 12 o'clock, m., to-morrow.

#### MESSAGE FROM THE GOVERNOR,

By his Recording Secretary.

STATE OF ALABAMA,  
EXECUTIVE DEPARTMENT,  
MONTGOMERY, ALA., Feb. 17, 1875.

Mr. President :

The Governor has approved the following bills which originated in the Senate :

S. B. 189. An act to amend section one of "an act to incorporate the town of Courtland, in the county of Lawrence," approved December 16, 1873.

S. B. 210. An act to restrain the assessment, levy or collection of taxes and licenses for county purposes in the county of Talladega, and to repeal an act entitled "an act to restrict

the counties to a certain rate of taxation," approved April 19, 1873, in so far as the same relates to the county of Talladega.

S. B. 367. An act to repeal an act to compel certain persons therein named to work on public roads in Jefferson, St. Clair, DeKalb, Washington and Tuscaloosa counties, approved January 13, 1846, so far as the same applies to the county of St. Clair.

S. B. 123. An act to repeal an act to regulate the publication of legal notices in the counties of Shelby, Walker, Baker, DeKalb, Cleburne, Marshall, Winston, Franklin, Coosa, Marion, Jefferson, St. Clair, Geneva, Covington, Bibb, Coffee, Dale and Lawrence, approved March 1870, as far as relates to the counties of Shelby, Walker, Chilton, Jefferson, St. Clair, Bibb, Dale and Lawrence.

Very respectfully,

IKE H. VINCENT,  
Recording Secretary.

#### ENROLLED BILLS.

Mr. Harris of Lee, from the Committee on Enrolled Bills, reported the following correctly enrolled :

S. B. 535. An act to regulate the terms of the courts in the first judicial circuit.

The House bills—

H. B. 497. To make M. L. Inzer, and O. S. Maples, residing respectively upon the boundary lines between St. Clair and Jefferson counties, and upon the line between Blount and Jefferson counties, citizens of Jefferson county.

H. B. 233. To repeal an act to secure complete records in the courts of this State, approved December 10, 1868.

H. B. 467. To amend an act entitled an act to incorporate the Southern Military Academy, approved February 3, 1861, and to amend an amendment thereof, approved December 9, 1861.

H. B. 466. To fix the times of holding the circuit courts in the eleventh (11) judicial circuit.

H. B. 496. To prohibit the sale, giving away, or other disposition of spirituous liquors, intoxicating bitters, or other intoxicating, beverages, within three miles of the Methodist Church in Old Jonesboro, in Jefferson county.

H. B. 295. To provide for the election of two county surveyors in Calhoun county.

H. B. 589. To declare Milas M. McKay of the county of Sanford, a citizen of the county of Marion.

H. B. 571. To authorize the commissioners' court of Wil-

cox county to levy a special tax to enclose the court-house of said county, and to furnish and repair said court-house,

H. B. 569. To prohibit the sale, or otherwise disposing of spirituous, vinous or malt liquors, within three (3) miles of Locust Grove Baptist Church, in Madison county.

H. B. 464. To amend section one of an act entitled an act to amend section one of the charter of the Elyton Land Company, in Jefferson county, incorporated under the general laws of the State.

H. B. 246. To more effectually provide for the payment of grand and petit jurors in the county of Washington.

H. B. 244. To provide for the payment of witness fees in criminal cases in the county court of Marengo county.

H. B. 342. To authorize Asa Parker of Monroe county to erect two gates across a public road in said court.

H. B. 310. To provide weights and measures for the county of Clay.

H. B. 306. To authorize the county surveyor of Covington county to appoint a deputy surveyor, and also, to define the duty of the county surveyor.

H. B. 296. To make James Dobbs of Cherokee a citizen of Calhoun county.

Were severally read the first, second and third times, under a suspension of the constitutional rule, and passed.

The House bill—

H. B. 210. To repeal an act entitled, an act to regulate the publication of legal and other notices in the State of Alabama, approved August 12, 1868 ; and an act entitled, an act to amend the same, approved October 18, 1868, so far as the same relates to the county of Elmore.

Was read the first and second times, under suspension of the constitutional rule.

Mr. Carmichael offered a substitute for the bill, general in its character, which was adopted.

The constitutional rule was suspended, the bill read the third time and passed.

The caption was amended by striking out the words, "so far as the same relates to the county of Elmore."

The House bills—

H. B. 237. To provide for the payment of costs in criminal cases in which prosecutions have abated by reason of the death of defendant.

H. B. 236. To provide for the payment of costs in criminal cases in which indictments are withdrawn and filed.

H. B. 481. To amend section 3932 of the Revised Code, so far the same relates to Baldwin county.

H. B. 189. To incorporate Protection Hook and Ladder Company No. 1, in the city of Greenville, Butler county, Alabama.

H. B. 309. For the protection of steamboats while passing drawbridges of railroads.

H. B. 570. To amend section 859 of the Revised Code ;  
Were severally read the first and second times, under a suspension of the constitutional rule, and referred to the Judiciary Committee.

The House bills—

H. B. 478. To allow the Governor to appoint inspectors in Baldwin county.

H. B. 573. For the relief of Robert J. Powell et als. of Coosa county.

H. B. 591. To prevent camp hunting, firing the woods, or driving for deer in beats No. 5 and 16, in Marshall county ;

Were severally read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Municipal and County Organizations.

The House bills—

H. B. 555. For the relief of T. W. Smith, tax collector of Autauga county.

H. B. 346. To fix the rate of taxation upon the shares of National Banking Associations in this State.

H. R. 592. Joint resolution authorizing and instructing the auditor to draw his warrant on the treasury in favor of Frank Cocke, for services rendered in raising two United States' flags above the two Houses at the beginning of the session ;

Were severally read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Finance.

The House bills—

H. B. 198. Declaring the Chickasaw, Birmingham and Tuscaloosa Railroad Company, a lawful corporate body to mine and manufacture, and also fix rates of passenger transportation.

H. B. 407. To authorize W. G. Gravlee to erect a mill dam across the Warrior river ;

Were severally read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Internal Improvements.

The House bill—

H. B. 456. In relation to the Selma Exposition ;  
Was read the first and second times, under a suspension of the constitutional rule.

Mr. Carmichael moved to strike out the fifth section.

Mr. Cobb moved, as a substitute for the amendment, to strike out the words "by lot or otherwise," in the fifth section of the bill.

The bill and amendments were referred to the Judiciary Committee.

Mr. Carmichael moved to take from the table the Senate bill—

S. B. 191. To repeal section 1374 of the Revised Code of Alabama, so far as it relates to the county of Dale.

The motion prevailed.

On motion of Mr. Snodgrass, the words "Marshall and Etowah," were struck from the House amendments.

As amended, the House amendments were concurred in.

On motion of Mr. Dereen, at 3 o'clock, the Senate adjourned.

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THURSDAY, February 18, 1875.

The Senate met pursuant to adjournment.

Prayer by Rev. Jefferson Falkner.

Present—

Messrs. Black, Carmichael, Cobb, Coleman, Cooper, Curtis, Dereen, Driesbach, Glass, Golson, Grayson, Hamilton, Haralson, Harris of Lee, Harris of Russell, Inzer, Jones, Leftwich, Little, Martin of Conecuh, Martin of Tuscaloosa, Moore, Robinson, Royal, Snodgrass, Terrell and Walton—27.

The journal of yesterday was read and approved.

#### CALL OF THE DISTRICTS.

Bills were introduced :

By Mr. Coleman—

S. B. 583. To prohibit the sale, giving away, or otherwise disposing of spirituous, vinous or malt liquors, or intoxicating beverages, within three miles of Cambridge camp ground in Limestone county.

By Mr. Cooper—

S. B. 587. To prohibit the sale of vinous, spirituous, or other intoxicating liquors, except for sacramental purposes, within five miles of the Methodist church near Thomas H. Phillips' place in Macon county, and Oak Grove station on the Montgomery & Eufaula Railroad, in Montgomery county.



Which were severally read the first, second and third times, under a suspension of the constitutional rule, passed and ordered forthwith to the House.

By Mr. Coleman—

S. B. 584. To give incorporated towns the power to limit the running of railroad trains and engines to a rate of speed not exceeding six miles per hour while running through their corporate limits.

By Mr. Coleman—

S. B. 585. To regulate trials by jury in civil cases.

By Mr. Hamilton—

S. B. 594. To repeal the third subdivision of section 2871 of the Revised Code ;

Which were severally read the first and second times, under a suspension of the constitutional rule, and referred to the Judiciary Committee.

By Mr. Cooper—

S. B. 586. To further amend an act entitled, an act to incorporate the South & North Railroad Company, approved August 5, 1868 ;

Which was read the first and second times, under a suspension of the constitutional rule, and referred to a select committee composed of Messrs. Terrell, Cooper, Harris of Lee, Dereen and Inzer.

By Mr. Inzer—

S. B. 588. To amend section 3620 of the Revised Code ;

Which was read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Temperance.

By Mr. Cobb—

S. B. 589. Joint memorial to the Congress of the United States, relative to the Texas and Pacific Railway Company ;

Which was read, adopted, and ordered to the House.

By Mr. Golson—

S. B. 590. To authorize guardians to invest the moneys of their wards in State obligations ;

Which was read the first and second times, under a suspension of the constitutional rule, and laid on the table.

Also,

S. B. 591. To empower and require judges of probate to have precinct lines in the several counties in this State marked out ;

Was read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Local Legislation.

By Mr. Dereen—

S. B. 592. To provide an additional term of the chancery court for the third district of the western chancery division, composed of the county of Marengo ;

Which was read the first, second and third times, under a suspension of the constitutional rule, and passed.

By Mr. Hamilton—

S. B. 593. To amend section 4064 of the Revised Code ;

Which was read the first and second times, under a suspension of the constitutional rule.

Mr. Dereen moved to substitute “ thirty” for “ twenty,” first section, fourteenth line from the last.

The amendment was adopted.

On motion of Mr. Haralson, the words, “ overseers of public roads in Dallas county, for the time of their appointment,” were inserted in the sixteenth line from the last of section one.

On motion of Mr. Hamilton, the words, “ and other public hospitals,” were inserted in the eleventh line from the last of section one.

The bill was referred to the Judiciary Committee.

#### MESSAGE FROM THE GOVERNOR,

By his Recording Secretary :

STATE OF ALABAMA,  
EXECUTIVE DEPARTMENT,  
MONTGOMERY, February 18th, 1875.

Mr. President :

The Governor has approved the following bills which originated in the Senate :

S. B. 535. An act to regulate the terms of the courts in the first judicial circuit of Alabama.

S. B. 341. An act to repeal an act to make the circuit court clerks of Autauga county ex-officio clerks of the county court, approved March 8th, 1871.

Respectfully,

IKE H. VINCENT,

Recording Secretary.

MESSAGE FROM THE HOUSE,

By Mr. Whitman—

HOUSE OF REPRESENTATIVES,  
February 18, 1875.

Mr. President :

The House has amended as therein shown and passed Senate bill—

S. B. 101½ . To prohibit the disposing of certain agricultural products between the hours of sunset and sunrise.

And has originated and passed the following bills:

H. B. 589. To change the name of S. St. John Murrell.

H. B. 590. To allow the Bienville Water Works Company of the city and county of Mobile, five years from the passage and approval hereof within which to cause to be conducted to said city water from the eight mile creek or some of the affluents thereof.

H. B. 691. To empower the commissioners' court of Monroe county to levy additional taxes for county purposes.

H. B. 592. To prevent the selling or giving away of vinous or spirituous liquors within three miles of Dublin, Montgomery county.

H. B. 406. To provide for the publication of the criminal laws enacted during the present session of the General Assembly.

ELLIS PHELAN,  
Clerk.

Mr. Moore, from the committee on Revision of Laws, reported favorably, with amendments, to the bill—

S. B. 487. For the relief of the tax collectors of this State.

Amend by inserting after the word " auditor," in the sixth line of the second section, the words, " of the State."

Insert after the word " bonds," in the fifth line of the third section, the words, " which assent shall be duly acknowledge and certified as required by law in the conveyance by deed of real estate."

The amendments were adopted.

Mr. Haralson moved to strike out the words, " by the written consent of their sureties, to be filed in the office of the judge of probate."

Mr. Terrell moved to amend by adding to the third section the words : " Provided, however, the tax collector shall be required to pay over all moneys collected on or by the second Monday in March, 1875, to the proper authorities; and upon default of which, such defaulter shall be liable to five per cent. to be levied by the auditor upon the amount in the collectors' hands on said second Monday in March, 1875."

The hour of 12 o'clock having arrived, the Senate proceeded to the consideration of the

#### SPECIAL ORDERS.

The Senate bill—

S. B. 254. To provide for the calling of a convention to revise and amend the constitution of this State;

Was postponed, and made the special order for 12 o'clock, m., on Thursday, the 25th of February.

The Senate bill—

S. B. 582. To empower and authorize the Governor to, lease out or rent the penitentiary farm, together with such of the stock or other material as may be upon such farm, and to hire to such lessee convicts not to exceed in number one hundred and thirty-five, and for a period not to exceed eight years,

Was taken up.

Mr. Grayson moved to amend by striking put " eight years," and inserting "five years."

On motion of Mr. Terrell, the amendment was tabled.

Mr. Farden moved to add the following :

"Provided, That at the expiration of the lease, the said Thomas Williams shall return to the State the sum of fifty thousand dollars in bonds of the State or their equivalent, which he received as purchase money for the said farm from the State."

On motion of Mr. Moore, the amendment was tabled.

The constitutional rule was suspended, the bill read the third time, and passed.

The House bill—

H, B. 129. To amend section 3706 of the Revised Code of Alabama,

Was read the third time and passed.

On motion of Mr. Cooper the regular order of business was, suspended to allow three bills to be reported from the committees.

Mr. Martin of Conecuh, from the Select Committee, reported favorably to the bill—

S. B. 283. To prevent the destruction of deer, birds and fish in the State of Alabama.

Amendments were offered exempting the counties of Jackson, DeKalb, Marshall, Henry, Dale, Geneva, Coffee, Chambers, Randolph, Cleburne and Perry from the provisions of the bill.

The bill and amendments were recommitted to the Committee on Internal Improvements.

#### ENROLLED BILLS.

Mr. Grayson, from the Committee on Enrolled Bills, reported the following correct:

S. B. 544. An act to enable boards of underwriters, com-

panies, corporations, associations, underwriters, agents, or persons to establish and maintain a fire insurance patrol.

S. B. 128. An act to amend section 1386 of the Revised Code.

S. B. 534. An act to amend an act to incorporate the Metropolitan Guards, approved February 24, 1860.

S. B. 574. An act to authorize the court of county commissioners of Wilcox county to levy a special tax to enclose the courthouse of said county, and to furnish and repair said courthouse.

S. B. 480. An act to compel sheriffs, clerks of the circuit court and registers in chancery, having moneys in their hands subject to further order of court, to pay the same over to their successors in office.

S. B. 278. An act to confer jurisdiction upon the chancery courts of this State to relieve minors over eighteen years of age from the disabilities of non-age, approved March 7, 1873.

Mr. Martin of Conecuh, from the Finance Committee, reported a substitute for the bill—

S. B. 209. To authorize and empower the auditor to audit and ascertain the amount of taxes past due from the South and North Alabama Railroad Company to the State, and the amount of interest due from the State to said railroad company, upon the past due coupons of the bonds of the State owned by said railroad company, to set off the one against the other.

On motion of Mr. Terrell, the further consideration of the bill and substitute were postponed, and made the special order for 12 o'clock, m., on Saturday.

Mr. Hamilton, from the Joint Committee on the Revised Code, reported the following bill and recommended its passage—

S. B. 595. To compensate the commissioners to codify the laws of Alabama.

Mr. Robinson moved to adjourn.

Lost. Yeas 3, nays 19.

Those who voted in the affirmative are—

Messrs. Coleman, Farden and Robinson—3.

Those who voted in the negative are—

Messrs. Black, Carmichael, Cobb, Cooper, Cunningham, Curtis, Glass, Grayson, Green, Hamilton, Haralson, Harris of Russell, Inzer, Little, Martin of Conecuh, Martin of Tuscaloosa, Moore, Snodgrass and Walton—19.

The bill was read the first and second times, under a suspension of the constitutional rule.

On motion of Mr. Robinson, at 3 o'clock, p. m., the Senate adjourned.

Yeas 12, nays 11.

Those who voted in the affirmative are—

Messrs, Carmichael, Coleman, Cunningham, Farden, Glass, Harris of Russell, Little, Martin of Conecuh, Moore, Robinson, Snodgrass and Walton—12.

Those who voted in the negative are—

Messrs. Black, Cobb, Cooper, Curtis, Driesbach, Grayson, Green, Hamilton, Haralson, Inzer and Martin of Tuscaloosa—H.

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FRIDAY, February 19 ,1875.

The Senate met pursuant to adjournment.

Prayer by Rev. Jefferson Faulkner.

Present:

Messrs. Black, Carmichael, Cobb, Coleman, Cooper, Curtis, Dereen, Driesbach, Glass, Golson, Grayson, Hamilton, Haralson, Harris of Russell, Inzer, Jones, Leftwich, Little, Martin of Conecuh, Martin of Tuscaloosa, Moore, Robinson, Snodgrass, Terrell and Walton—25.

The journal of yesterday was read and approved.

Leave of absence for three days was granted to Mr. Cunningham, and for two days to Mr. Royal.

#### CALL OF THE DISTRICTS.

Bills were introduced

By Mr. Martin of Tuscaloosa—

S. B. 596. To provide for the registration of the separate statutory estates of married women.

By Mr. Haralson—

S. B. 597. Explanatory of section 3514 of the Code:

Which were severally read the first and second times, under a suspension of the constitutional rule, and referred to the Judiciary Committee.

By Mr. Little—

S. B. 598. To fix the time of holding the circuit courts in the seventh judicial circuit.

Also—

S. B. 599. To authorize the tax assessor of Sumter county to re-assess the taxes of A. J. Arrington ;

Which were severally read the first and second times, under a suspension of the constitutional rule, and referred to a

select committee composed of Messrs. Little, Dereen and Walton.

By Mr. Driesbach—

S. B. 600. To fix the Dumber of the officers of the penitentiary and their compensation.

Also—

S. B. 601. To amend section three of an act to amend certain sections of the Revised Code, viz: Sections 3833, 3834, 3836, 3837, 3839, 3853, 3855 and 3856, approved February 26, 1872;

Which were severally read the first and second times, under a suspension of the constitutional rule, and referred, to the Committee on the Penitentiary.

The Senate proceeded to the consideration of

### HOUSE MESSAGES.

The Senate proceeded to the consideration of the House amendment to the Senate bill—

8. B. 101 ½ . To prohibit the disposing of certain agricultural products between the hours of sunset and sunrise.

Mr. Haralson moved a reference to a committee.

On motion of Mr. Grayson, the motion was tabled.

The House amendments were concurred in. Yeas 21, nays 4:

Those who voted in the affirmative are—

Messrs. Carmichael, Cobb, Cooper, Dereen, Driesbach, Golson, Grayson, Hamilton, Harris of Lee, Harris of Russell, Inzer, Leftwich, Little, Martin of Conecuh, Martin of Tuscaloosa, Moore, Parks, Robinson, Snodgrass, Terrell and Walton—21.

Those who voted in the negative are—

Messrs. Black, Curtis, Haralson and Jones—4.

The House was notified forthwith of the concurrence.

The House bill—

H. B. 604. To provide for the publication of the criminal laws enacted during the present session of the General Assembly ;

Was read the first and second times, under a suspension of the constitutional rule.

Mr. Haralson moved to amend by adding the words "provided that one copy of the paper shall be sent to each probate and circuit judge in this State."

Mr. Cobb moved to lay the amendment on the table.

Lost. Yeas 13, nays 14.

Those who voted in the affirmative are—

Messrs. Black, Cobb, Dereen, Driesbach, Grayson, Harris

of Lee, Little, Martin of Conecuh, Moore, Parks, Robinson, Terrell and Walton—13.

Those who voted in the negative are—

Messrs. Carmichael, Cooper, Curtis, Glass, Golson, Green, Hamilton, Haralson, Harris of Russell, Inzer, Jones, Leftwich, Martin of Tuscaloosa and Snodgrass—14.

The Senate refused to adopt the amendment. Yeas 11, Nays 15.

Those who voted in the affirmative are—

Messrs. Carmichael, Cooper, Curtis, Glass, Golson, Green, Haralson, Harris of Russell, Jones, Leftwich and Martin of Tuscaloosa—11.

Those who voted in the negative are—

Messrs. Black, Cobb, Dereen, Driesbach, Grayson, Hamilton, Harris of Lee, Inzer, Little, Martin of Conecuh, Moore, Parks, Robinson, Snodgrass and Terrell—15.

Mr. Haralson moved to amend by striking out the word "Advertiser," and inserting the words "that the secretary of state let the printing lo hire to the lowest bidder."

On motion of Mr. Grayson, the amendment was tabled.

The constitutional rule was suspended, the bill read the third time and passed.

#### MESSAGE FROM THE HOUSE,

By Mr. Garrett—

#### HOUSE OF REPRESENTATIVES, February 19, 1875.

Mr. President :

The House has adopted Senate joint memorial—

S. B. 589. To the Congress of the United States, relative to the Texas and Pacific Railway Company.

And has originate and passed the following bills:

H. B. 335. To amend section nine of an act entitled an act to incorporate the town of Dayton, Marengo county.

H. B. 130. To amend section 3695 of the Revised Code of Alabama.

H. B. 275. To repeal an act entitled an act to amend an act entitled "an act to establish revenue laws for the State of Alabama, approved February 9, 1870, so far as the same relates to Tallapoosa county.

H. B. 496. To authorize the commissioners' court of Lime-stone county to pay the solicitor of said county a salary.

H. B. 613. To establish an additional precinct in the county of Randolph, at Blake's store.



H. B. 614. To authorize the commissioners' court of Fayette county to elect or appoint two county surveyors.

H. B. 615. To aid in the collection of debt by garnishment.

H. B. 616. To make Mrs. Elizabeth Slaughter of Pickens county a free dealer.

H. B. 617. To prohibit the sale, or giving away, of vinous, malt or spirituous liquors, or intoxicating beverages, within four miles of Prospect Baptist Church, in Sumter county.

H. B. 618. To prohibit the sale or giving away of vinous, malt or spirituous liquors, or intoxicating beverages, within four miles of Jones' Creek Baptist Church, in Sumter county.

ELLIS PHELAN,  
Clerk

#### ENROLLED BILLS.

Mr. Dereen, from the Committee on Enrolled Bills, reported the following correctly enrolled :

S. B. 589. Joint memorial to the Congress of the United States, relative to the Texas and Pacific Railway Company.

The House bills—

H. B. 592. To prevent the selling for giving away of vinous or spirituous liquors within three miles of Dublin, Montgomery county.

H. B. 535. To amend section nine (9) of an act entitled an act to incorporate the town of Dayton, Marengo county. .

H. B. 614. To authorize the commissioners' court of Fayette county to elect or appoint two county surveyors;

Were severally read the first, second and third times, under a suspension of the constitutional rule, and passed.

The House bill—

H. B. 275. To repeal an act entitled an act to amend an act to establish revenue laws for the State of Alabama, approved February 9, 1870, so far as the same relates to the county of Tallapoosa;

Was read the first and second times, under a suspension of the constitutional rule.

The bill was amended by making its provisions applicable to Chambers, Lee and Barbour counties.

Mr. Grayson moved to make its provisions applicable to every county in the State.

On motion of Mr. Terrell, the motion was tabled

The constitutional rule was suspended, the bill read the third, time, passed, and ordered to the House.

The House bills—

H. B. 589. To change the name of S. St. John Murrell.

H. B. 613. To establish an additional precinct in the county of Randolph, at Blake's store;

Were severally read the first and second times, under a suspension of the constitutional rule, and laid on the table.

The House bill—

H. B. 590. To allow the Bienville Water Works Company of the city and county of Mobile, five years from the passage and approval hereof, within which to cause to be conducted to said city, water from the eight mile creek, A some of the affluents thereof;

Was read the first, second and third times, under a suspension of the constitutional rule.

Mr. Hamilton moved to amend section two, second line, by striking out the words "and said company," and inserting in lieu thereof, the words "or any other person, persons, or company owning or having charge of water-works in said county, and said person, persona or companies shall have authority."

The amendment was adopted, the\* constitutional rule suspended, the bill read the third time, and passed.

The House bills—

H. B. 591. To empower the commissioners' court of Monroe county to levy additional taxes for county purposes.

H. B. 130. To amend section 3695 of the Revised Code of Alabama.

H. B. 615. To aid in the collection of debts by garnishment.

H. B. 616. To make Mrs. Elizabeth Slaughter of Pickens county, a free dealer ;

Were severally read the first and second times, under a suspension of the constitutional rule, and referred to the Judiciary Committee.

The House bills—

H. B. 617. To prohibit the sale or giving away of vinous, malt or spirituous liquors, or intoxicating beverages, within four miles of Prospect Baptist Church, in Sumter county.

H. B. 618. To prohibit the sale or giving away of vinous, malt or spirituous liquors, or intoxicating beverages, within four miles of Jones' Creek Baptist Church, in Sumter county;

Were severally read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Temperance.

The House bill—

H. B. 496. To authorize the commissioners' court at Lime - stone county to pay, the solicitor of said county a salary ;

Was read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Revision of Laws.

The Senate proceeded to the consideration of bills on their second reading.

The bill—

S. B. 244. For the relief of the Alabama Central Railroad Company,

Was taken up.

The question being the adoption of the amendment offered by Mr. Parks, it was adopted.

On motion of Mr. Terrell, the provisions of the bill were made applicable to the Savannah and Memphis Railroad Company.

The constitutional rule was suspended, the bill read the third time and passed.

The caption was amended by adding thereto the words "and other railroad companies therein mentioned."

The bill —

S. B. 353. To authorize the county commissioners of Perry county, to make provisions for warming the jail of said county,

Was laid on the table.

The bill—

S. B. 384. To fix the pay and mileage of members of the General Assembly,

Was referred to the Committee on Finance.

The bills—

S. B. 405. To regulate the payment of taxes collected by then tax collector of Montgomery county, and to prescribe a depository for the same.

S. B. 406. To abolish the office of county treasurer for Montgomery county;

Were severally read the second time, and referred to the Committee on Local Legislation.

The bill—

S. B. 407. To compel the tax collector of Lowndes county to receive certain claims against said county of Lowndes, in payment of taxes due said county,

Was referred to the Committee on Local Legislation.

The bill—

S. B. 451. For the relief of Wash Patterson of the county of Morgan,

Was taken up.

Mr. Robinson moved to amend by making the provisions

of the bill applicable to James T. Walton of Chambers county.

Mr. Moore moved to lay the amendment on the table ;

Lost.

The amendment was adopted.

Mr. Martin of Tuscaloosa moved to refer to the Committee on Local Legislation,

On motion of Mr. Parks, the motion was tabled. Yeas 18, nays 9.

Those who voted in the affirmative are—

Messrs. Black, Coleman, Cooper, Curtis, Glass, Grayson, Green, Haralson. Harris of Lee, Inzer, Jones, Leftwich, Little, Martin of Conecuh, Moore, Parks, Robinson and Snodgrass—18.

Those who voted in the negative are —

Messrs. Carmichael, Dereen, Driesbach, Farden, Hamilton, Harris of Russell, Martin of Tuscaloosa, Terrell and Walton—9.

Mr. Martin of Tuscaloosa moved to adjourn.

Lost. Yeas 3—nays 24.

Those who voted in the affirmative are—

Messrs. Glass, Martin of Tuscaloosa, and Walton—3.

Those who voted in the negative are —

Messrs. Black, Carmichael, Cobb, Coleman, Cooper, Dereen, Driesbach, Farden, Grayson, Green, Hamilton, Haralson, Harris of Lee, Harris of Russell, Inzer, Jones, Leftwich, Little, Martin of Conecuh, Moore, Parks, Robinson, Snodgrass and Terrell —24.

Mr. Farden moved to postpone till 12 o'clock to-morrow.

On motion of Mr. Terrell, the motion was tabled.

On motion of Mr. Cooper, the bill was laid on the table.

Yeas 16—nays 10.

Those who voted in the affirmative are—

Messrs. Carmichael, Coleman, Cooper, Dereen, Driesbach, Farden. Glass Green, Hamilton, Harris of Russell, Inzer, Leftwich, Martin of Conecuh, Martin of Tuscaloosa, Terrell and Walton—16.

Those who voted in the negative are—

Messrs. Black, Curtis, Grayson, Haralson, Harris of Lee, Jones, Moore, Parks, Robinson and Snodgrass —10.

Mr. Terrell moved to suspend the order of business to take up the bill—

S. B. 532. To amend section eighty of an act to establish revenue laws for the State of Alabama, approved December 31st, 1868.

On motion of Mr. Farden, at half past two o'clock, the Senate adjourned. Yeas 15—nays 11.

Those who voted in the affirmative are—

Messrs. Carmichael, Coleman, Curtis, Dereen, Driesbach, Farden, Glass, Green, Hamilton, Harris of Russell, Jones, Little, Martin of Conecuh, Parks and Robinson — 15.

Those who voted in the negative are—

Messrs. Cobb, Cooper, Grayson, Haralson, Inzer, Leftwich, Martin of Tuscaloosa, Moore, Snodgrass, Terrell and Walton—11.

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SATURDAY, February 20th, 1875.

The Senate met pursuant to adjournment.

Prayer by Rev Jefferson Falkner.

Present—

Messrs.. Black, Carmichael, Cobb, Coleman, Cooper, Curtis, Dereen, Driesbach, Edwards, Farden, Glass, Golson, Grayson, Hamilton, Harris of Lee, Harris of Russell, Jones, Leftwich, Little, Martin of Conecuh, Martin of Tuscaloosa, Parks, Robinson, Snodgrass, Terrell and Walton—26.

The journal of yesterday was read and approved.

Leave of absence was granted to Mr. Inzer for three days, and to Mr. Golson indefinitely on account of sickness.

Mr. Cobb moved to reconsider the vote by which the Senate passed the House bill—

H. B. 590. To allow the Bienville Water Works Company of the city and county of Mobile, five years from the passage and approval thereof, within which to cause to be conducted to said city, water from the eight mile creek or some of the affluents thereof.

Mr. Farden renewed his motion to reconsider the vote by which the senate accepted the report of Dr. I. T. Tichnor, President of the Agricultural and Mechanical College of Alabama, the consideration of which was cut off by adjournment on February 3d.

The further consideration of the motion was cut off by the

#### SPECIAL ORDERS.

The bill—

S. B.115. To authorize the corporate authorities of the town of Gadsden, in the county of Etowah, to change the corporate limits of said town, as therein shown ;

Was read the third time, under a suspension of the

constitutional rule, passed, and ordered forthwith to the House.

Mr. Cooper moved to reconsider the vote just taken.

### ENROLLED BILLS.

Mr. Dereen, from the Committee on Enrolled Bills, reported the following as correctly enrolled:

S. B. 101 ½. To prohibit the disposing of certain agricultural products between the hours of sunset and sunrise.

### MESSAGE FROM THE HOUSE,

By Mr. Garrett:

HOUSE OF REPRESENTATIVES,  
February 20, 1875.

Mr. President:

The House has passed the following Senate bills:

S. B. 561. To legalize an election of justice of the peace for the 8th ward, in the city of Mobile, held on the 22d day of December, 1874.

S. B. 72. To prevent; camp hunting in the counties of Blount, Marion and Winston.

S. B. 554. To invest the Mayor of the town of Scottsboro, in the county of Jackson, with all the powers and authority of a notary public of the said county.

S. B. 552. To amend the charter of the town of Decatur, in Morgan county.

S. B. 503. To enlarge the criminal jurisdiction of the mayor and council of the town of Union Springs.

S. B. 492. To amend sections seven and ten of an act to incorporate the town of Ozark in the county of Dale.

S. B. 87. To amend an act to incorporate the town of Leighton, in the counties of Lawrence and Colbert.

S. B. 542. To prescribe the time of holding the chancery court of the third district of the eastern chancery division, composed of Randolph county.

S. B. 522. To amend an act to prohibit the selling of vinous, spirituous or malt liquors within three miles of Piny Grove Christian Church and school house in Morgan county.

S. B. 581. To amend the last paragraphs of sections 3514, 3517 and 3518 of the Revised Code, so far as the same relates to the county of Dale.

S. B. 544. To prescribe the time of holding the chancery court of the chancery district composed of the county of Shel-

by in the eastern chancery Division, and to number the same

S. B. 546. To authorize and empower the commissioners' court of Chilton county to levy a special tax to pay the indebtedness of said county.

S. B. 565. To better provide for the maintenance of the paupers of Lee county.

S. B. 510. To incorporate the town of Auburn, Lee county.

S. B. 574. To amend an act to incorporate the East Alabama Female College, and the Bascomb Female Institute, approved January 27, 1852.

S. B. 562. To restrict the power of taxation by cities and incorporated towns, as required by section 16, article 13, of the constitution of this State.

S. B. 578. To provide for the filling of vacancies which may occur in the offices of mayor, treasurer, tax collector, auditor and clerk of the city of Mobile.

S. B. 541. Joint resolution for the relief of Powell, Prickett & Co.

And has amended as therein shown and passed the Senate bill—

S. B. 555. To prohibit the sale or otherwise disposing of intoxicating liquors within five miles of Asheville Depot, in St. Clair county.

And has adopted the Senate—

S. B. 550. Joint memorial to the Congress of the United States relative to the cotton tax.

It has also concurred in the amendment of the Senate to the House amendment to Senate bill—

S. B. 191. To repeal section 1374 of the Revised Code, so far as it relates to the county of Dale.

And has concurred in the Senate amendment to the following House bills, respectively :

H. B. 210. To repeal an act to regulate the publication of legal and other notices in the State of Alabama, approved August 12, 1868, and an act to amend the same, approved October 18, 1868, so far as the same relates to the county of Elmore.

H. B. 339 ½. To amend the act to prescribe the time of holding the circuit courts in the tenth judicial circuit, approved March 14, 1872.

H. B. 275. To repeal an act to amend an act entitled an act to establish revenue laws for the State of Alabama, approved February 9, 1870, so far as the same relates to the county of Tallapoosa.

H. B. 440. To authorize the commissioners courts of Clay,

Dallas and Wilcox counties to provide a pauper fund for said counties.

And, also, has concurred in the Senate amendment to the House joint resolution—

H. R. 13. To raise a joint committee for the purposes therein named.

The House has also passed the following Senate bills :

S. B. 587. To prohibit the sale of vinous, spirituous or other intoxicating liquors, except for sacramental purposes, within five miles of the Methodist Church, near Thos. H. Phillips' place, in Macon county, and Oak Grove Station on the Montgomery & Eufaula Railroad, in Montgomery county.

S. B. 538. To allow the city of Montgomery to work persons convicted of violations of the ordinances of the city, outside of said city.

S. B. 583. To prohibit the sale, giving away or otherwise disposing of spirituous, vinous or malt liquors, or intoxicating bitters, or other intoxicating beverages, within three miles of Cambridge Camp Ground, in Limestone county.

S. B. 569. To authorize the probate court of Franklin county to take jurisdiction of the administration of the estate of Ambrose D. McCord, late of said county, deceased, notwithstanding the relationship of the judge of said court with the decedent.

I am also instructed by the House to notify the Senate of the non-concurrence of the House to the Senate amendment to the House amendment of Senate bill—

S. B. 138. To declare the terms upon which foreign corporations organized for mining or manufacturing purposes, may carry on their business, and purchase, hold and convey real and personal property in this State.

ELLIS PHELAN,  
Clerk.

#### MESSAGE FROM THE GOVERNOR,

By his Recording Secretary:

STATE OF ALABAMA,  
EXECUTIVE DEPARTMENT,  
MONTGOMERY, February 19th, 1875,

Mr. President:

The Governor has approved the following bills which originated in the Senate:

S. B. 128. An act to amend section 1386 of the Revised Code.



S. B. 534. An act to amend an act entitled, an act to incorporate the Metropolitan Guards, approved February 24, 1860.

S. B. 540. An act to enable boards of underwriters, companies, corporations, associations, underwriters agents or persons, to establish and maintain a fire insurance patrol.

S. B. 480. An act to compel sheriffs, clerks of the circuit court and registers in chancery, having money in their hands subject to further order of court, to pay the same over to their successors in office.

S. B. 278. AD act to amend an act to confer jurisdiction upon the chancery courts of the State to relieve minors over 18 years of age from the disabilities of non-age, approved March 17, 1873.

S. B. 574. An act to authorize and empower the court of county commissioners of Wilcox county to levy a special tax to enclose the courthouse of said county, and to furnish and repair said courthouse.

Respectfully,  
IKE H. VINCENT,  
Recording Secretary.

Also, the following joint memorial—

S. B. 589. Joint memorial to the congress of the United States relative to Texas and Pacific railway company.

Respectfully,  
IKE H. VINCENT,  
Recording Secretary.

The next special order was taken up, which was the bill—

S. B. 209. To authorize and empower the auditor to audit and ascertain the amount of taxes past due from the South and North Alabama Railroad Company to the State, and the amount of interest due from the State to said railroad company upon the past due coupons of the bonds of the State owned by said railroad company, and to set off the one against the other.

The question being the adoption of the substitute reported by the committee.

Mr. Terrell moved to postpone till Tuesday, and make it the special order for 12 o'clock, m.

Lost.

The substitute was adopted. Yeas 19, nays 5.

Those who voted in the affirmative are—

Messrs. Black, Carmichael, Cobb, Cooper, Curtis, Dereen, Driesbach, Edwards, Farden, Grayson, Green, Hamilton,

Harris of Russell, Jones, Leftwich, Martin of Conecuh, Martin of Tuscaloosa, Snodgrass and Walton—19.

Those who voted in the negative are—

Messrs. Harris of Lee, Little, Moore, Robinson and Terrell—5.

Mr. Hamilton moved to add the following to the last section, "out the same shall be paid by said railroad company into the treasury of the State, in all respects as provided by the said act approved April 21, 1873, the same as if this act had not been passed."

The amendment was adopted.

Mr. Moore offered to add the following words to the last section, "Every tax payer in the State shall have the right, under the provisions of this bill, to pay his taxes due the State by any over due coupons or bonds held by him due by the State of Alabama."

Mr. Moore moved to recommit the bill to the Committee on Finance.

On motion of Mr. Cobb, the motion was tabled.

Yeas 15, nays 9.

Those who voted in the affirmative are—

Messrs. Black, Cobb, Cooper, Driesbach, Edwards, Glass, Grayson, Green, Hamilton, Harris of Russell, Leftwich, Martin of Conecuh, Martin of Tuscaloosa, Snodgrass and Walton—15.

Those who voted in the negative are—

Messrs. Carmichael, Coleman, Dereen, Harris of Lee, Little, Moore, Parks, Robinson and Terrell—9.

On motion of Mr. Cooper, the further consideration of the bill and amendment was postponed and made the special order for Monday, 12 o'clock, m.

#### CALL OF THE DISTRICTS.

Bills were introduced:

By Mr. Cobb—

S. B. 603. To remove the county of Tuscaloosa from the western chancery division to the middle chancery division of the State, and to fix the time of holding the courts therein.

Which was read the first and second times, under a suspension of the constitutional rule, and referred to the Judiciary Committee.

By Mr. Farden—

S. B. 602. To amend an act to incorporate the Montgomery Race-course Association.

By Mr. Moore —

S. B. 604. To amend sections one, two and eleven of an act to incorporate the town of Gilmer, in Lawrence county.

By Mr. Robinson—

S. B. 605. To authorize L. W. Harmon to collect certain taxes in Chambers county ;

Which were severally read the first, second and third times, under a suspension of the constitutional rule, and passed.

#### MESSAGE FROM THE GOVERNOR,

By his Recording Secretary.

STATE OF ALABAMA,  
EXECUTIVE DEPARTMENT,  
MONTGOMERY, ALA., Feb. 20, 1875.

Mr. President:

The Governor has approved the following bills which originated in the Senate :

S. B. 101 ½ . An act to prohibit the disposing of certain agricultural products between the hours of sunset and sunrise.

S. B 541. Joint resolution for the relief of Powell, Prickett & Co., and Wharton & Co.

Respectfully,

IKE H. VINCENT,  
Recording Secretary.

#### REPORTS OF COMMITTEES.

Mr. Driesbach, from the Committee on the Penitentiary, reported favorably to the bills—

S. B. 600. To fix the number of the officers of the penitentiary and their compensation.

S. B. 601. To amend section three of an act to amend certain sections of the Revised Code, viz : Sections 3833, 3834, 3836, 3837, 3839, 3853, 3855 and 3856, approved February 26, 1872 ;

Which were severally read the third time, under a suspension of the constitutional rule, and passed.

Mr. Walton, from the Committee on Finance, reported favorably to the House bill—

H. B. 346. To fix the rate of taxation upon the shares of national banking associations in this State;

Which was read the third time, under a suspension of the constitutional rule, and passed.

Mr. Martin of Tuscaloosa, from the Committee on Local

Legislation, reported favorably to the House joint resolution—

H. B. 338. Authorizing the Governor to lease the marine hospital at Mobile from the government of the United States;

Which was read the third time, under a suspension of the constitutional rule, and passed and ordered to the House.

Mr. Little, from the select committee, reported favorably to the joint resolution—

S. B. 561. To pay the expenses of the joint committee to inspect the State penitentiary and State farm;

Which was read the third time, under a suspension of the constitutional rule, and passed.

On motion of Mr. Farden, at a quarter before 3 o'clock the Senate adjourned.

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MONDAY, February 22, 1875.

The Senate met pursuant to adjournment.

Prayer by Rev. C. B. St. John.

Present—

Messrs. Black, Carmichael, Cobb, Coleman, Cooper, Curtis, Dereen, Driesbach, Edwards, Farden, Glass, Grayson, Green, Hamilton, Harris of Lee, Jones, Leftwich, Little, Martin of Conecuh, Martin of Tuscaloosa, Moore, Parks, Robinson, Snodgrass, Terrell and Walton—26.

The journal of Saturday was read and approved.

#### SPECIAL ORDER,

Which was the House bill—

H. B. 57. To establish revenue laws for the State of Alabama;

Was recommitted to the Committee on Finance, with instructions to report immediately after the reading of the journal on Wednesday, February 24.

Yeas 15, nays 10.

Those who voted in the affirmative are—

Messrs. Carmichael, Cooper, Curtis, Driesbach, Edwards, Hamilton, Harris of Russell, Jones, Leftwich, Little, Martin of Conecuh, Robinson, Snodgrass, Terrell and Walton—15.

Those who voted in the negative are—

Messrs. Black, Coleman, Dereen, Farden, Glass, Grayson, Harris of Lee, Martin of Tuscaloosa, Moore and Parks.—10.

## MESSAGE FROM THE HOUSE,

By Mr. Garrett—

## HOUSE OF REPRESENTATIVES,

February 21, 1875.

Mr. President:

The House has originated and passed the following bills:

H. B. 628. For the relief of Thomas J. Burchfield, of the county of Tuscaloosa.

H. B. 629. For the relief of B. S. Thompson of the county of Tuscaloosa.

H. B. 630. To establish a new precinct and form a new beat in the county of Tuscaloosa.

H. B. 631. For the relief of Miss Mary Caffee, of the county of Bibb, of non-age.

H. B. 632. To prevent camp hunting in Washington county by any person not a citizen of the State of Alabama.

H. B. 633. To secure the purchase money of personal property sold on a credit, in certain cases therein named.

H. B. 634. To authorize the transfer of certain cases from the circuit court of Barbour county to the city court of Eufaula, when the Judge of said circuit court is incompetent to try the same.

H. B. 635. To allow Noel H. Grace, trustee of the estate of Martha McCombs, deceased, to sell certain lands

H. B. 636. For the relief of maimed officers and soldiers of the State.

H. B. 637. For the relief of Isaac Nolen of the county of Clay.

H. B. 638. To require the Judge of probate of Escambia county to issue a certificate of redemption to Jephtha Blackshear for lands sold at tax sale in 1874, and to require the auditor to erase said land numbers from the book of tax sales in his office.

H. B. 639. To change the name of Elisha H. Pool, an infant of Coffee county, to Elisha H. P. Simmons.

H. B. 640. To repeal an act entitled an act to prohibit the selling of vinous or spiritous liquors within two miles of Fairmount Church, and the Adkinson school house, in the county of Covington.

H. B. 641. To authorize the commissioners' court of Covington county to pay J. J. Richards for carrying a lunatic to the insane hospital, and also to levy a special tax to pay claims of a similar character in said county.

H. B. 642. To make it lawful for the sheriff of Crenshaw

county to serve all processes and collect executions issued from notary public and justice courts in said county.

H. B. 658. To authorize and empower the courts of county commissioners of, Wilcox, Pickens, Russell and Greene counties to levy and collect special tax for bridge purposes.

H. B. 476. To amend section 9 of an act to incorporate the town of Evergreen, Conecuh county.

H. B. 475. To detach a portion of Escambia county and attach it to Conecuh county.

ELLIS PHELAN,  
Clerk.

Mr. Moore moved to reconsider the vote passing the House bill—

H. B. 346. To fix the rate of taxation upon the shares of National Banking Associations in this State.

The vote was reconsidered, and the vote ordering the bill to a third reading was reconsidered, and the bill was recommended to the Finance Committee.

The hour of twelve o'clock having arrived, the Senate proceeded to the considerations of the

Which was the bill—

S. B. 209. To authorize and empower the auditor to audit and ascertain the amount of taxes past due from the South and North Alabama Railroad Company to the State, and the amount of interest due from the State to said Railroad Company upon the past due coupons of the bonds of the State owned by said Railroad Company, and to set off one against the other.

The question being on the adoption of the amendment offered by Mr. Moore,

On motion of Mr. Terrell, it was laid on the table. Yeas 16—nays 8.

Those who voted in the affirmative are—

Messrs. Carmichael, Cobb, Coleman, Cooper, Curtis, Dereen, Greene, Hamilton, Harris of Russell, Jones, Leftwich, Martin of Conecuh, Martin of Tuscaloosa, Snodgrass, Terrell and Walton—16.

Those who voted in the negative are—

Messrs. Black, Edwards, Grayson, Harris of Lee, Little, Moore, Parks and Robinson—8.

Mr. Terrell moved to lay the bill on the table.

Lost. Yeas 9—nays 15.

Those who voted in the affirmative are—

Messrs. Carmichael, Coleman, Harris of Lee, Little, Martin of Tuscaloosa, Moore, Parks, Robinson and Terrell —9.

Those who voted in the negative are—

Messrs. Black, Cobb, Cooper, Curtis, Dereen, Edwards, Grayson, Greene, Hamilton, Harris of Russell, Jones, Leftwich, Martin of Conecuh, Snodgrass and Walton—15.

Mr. Parks moved to postpone till Friday at 12 o'clock, m.

On motion of Mr. Cobb, the motion was tabled.

Mr. Robinson moved to recommit to the Finance Committee.

Lost. Yeas 12— nays 14.

Those who voted in the affirmative are—

Messrs. Carmichael, Coleman, Driesbach, Edwards, Harris of Lee, Harris of Russell, Little, Martin of Tuscaloosa, Moore, Parks, Robinson and Terrell —12.

Those who voted in the negative are—

Messrs. Black, Cobb, Cooper, Curtis, Dereen, Glass, Grayson, Green, Hamilton, Jones, Leftwich, Martin of Conecuh, Snodgrass and Walton—14.

Mr. Robinson moved to amend by inserting after the word " State," in the fifth line of section 1, the words, " as provided for by the seventh section of an act to provide for the substitution of State bonds to the amount of four thousand dollars per mile in lieu of State endorsement of bonds of various Railroad Companies of this State, approved April 21, 1873."

On motion of Mr. Cobb, the amendment was tabled.

Yeas 13—nays 10.

Those who voted in the affirmative are—

Messrs. Black, Cobb, Cooper, Curtis, Dereen, Driesbach, Glass, Green, Hamilton, Jones, Leftwich, Martin of Conecuh and Snodgrass—13.

Those who voted in the negative are—

Messrs. Carmichael, Coleman, Harris of Lee, Harris of Russell, Little, Martin of Tuscaloosa, Moore, Parks, Robinson and Terrell —10.

Mr. Moore moved to amend by adding to section one the words : " And any other Railroad Company in the State shall have the right under this bill to offset its taxes with any legal overdue bond or coupon, due by the State of Alabama, provided said bond or coupon is bona fide held by said company at the time the said taxes become due."

On motion of Mr. Cobb, the amendment was tabled.

Mr. Robinson offered the following amendment which was adopted:

" Provided, however, the coupons taken up under this act shall be kept by the State treasurer, and ultimately paid and

liquidated as provided by the seventh section of an act to provide for the substitution of State bonds to the amount of four thousand dollars per mile, in lieu of State endorsement of bonds of various Railroad Companies of this State, approved April 21st, 1873."

#### ENROLLED BILLS.

Mr. Dereen, from the Committee on Enrolled Bills, reported the following as correctly enrolled :

S. B. 510. An act to incorporate the town of Auburn, Lee county.

S. B. 550. Joint memorial to the Congress of the United States relative to the cotton tax.

S. B. 503. To enlarge the criminal jurisdiction of the mayor and council of the town of Union Springs.

S. B. 562. To restrict the power of taxation by cities and incorporated towns as required by section 16, Article XIII, of the constitution of the State.

S. B. 492. To amend sections 7 and 10 of an act entitled an act to incorporate the town of Ozark, in the county of Dale.

S. B. 581. To amend the last paragraph of sections 3514, 3517 and 3518 of the Revised Code, so far as the same relates to the county of Dale.

S. B. 546. To authorize and empower the commissioners' court of Chilton county to levy a special tax to pay the indebtedness of said county.

S. B. 191. To repeal section 1374 of the Revised Code of Alabama, so far as it relates to the county of Dale.

S. B. 554. To invest the mayor of the town of Scottsboro, in the county of Jackson, with all the powers and authority of a notary public of the said county,

S. B. 372. To prevent camp hunting in the counties of Blount, Marion and Winston.

S. B. 565. To better provide for the maintenance of the paupers of Lee county.

S. B. 555. To prohibit the sale or otherwise disposing of intoxicating liquors within five miles of Ashville Depot, on the A. & C. Railroad, in St. Clair county.

S. B. 522. To amend an act to prohibit the selling of vinous, spirituous or malt liquors within three miles of Piney Grove Christian Church and school house, in Morgan county.

S. B. 561. To legalize an election of justice of the peace for the 8th ward, in the city of Mobile held on the 22d day of December, 1874.



S. B. 544. To prescribe the times of holding the chancery court of the Chancery District composed of the county of Shelby, in the Eastern Chancery Division, and number the same.

S. B. 87. To amend an act entitled an act to incorporate the town of Leighton, in the counties of Lawrence and Colbert.

S. B. 542. To prescribe the time of holding the chancery court of the third district of the Eastern Chancery Division, composed of Randolph county.

Mr. Grayson, from the same committee, reported the following correct :

S. B. 578. To provide for the filling of vacancies which may occur in the offices of mayor, treasurer, tax collector, auditor, and clerk of the city of Mobile.

S. B. 587. To prohibit the sale of vinous, spirituous, or other intoxicating liquors, except for sacramental purposes, within five miles of the Methodist Church, near Thomas H. Phillips' place, in Macon county, and Oak Grove Station, on the Montgomery and Eufaula Railroad, Montgomery county.

S. B. 583. To prohibit the sale, giving away, or otherwise disposing of spirituous, vinous or malt liquors, or intoxicating bitters, or other intoxicating beverages, within three miles of Cambridge Camp Ground, in Limestone county.

S. B. 569. To authorize the probate judge of Franklin county to take jurisdiction of the administration of the estate of Ambrose D. McCord, late of said county, deceased, notwithstanding the relationship of the judge of said court with the deceased.

S. B. 538. To allow the city of Montgomery to work person, convicted of violations of the ordinances of the city, outside of said city.

On motion of Mr. Martin of Tuscaloosa, at two o'clock, the Senate adjourned—yeas 13, nays 11.

Those who voted in the affirmative are—

Messrs. Black, Carmichael, Coleman, Dereen, Harris of Lee, Harris of Russell, Little, Martin of Tuscaloosa, Moore, Parks, Robinson, Terrell and Walton—13,

Those who voted in the negative are—

Messrs. Cobb, Cooper, Curtis, Driesbach, Edwards, Glass, Grayson, Hamilton, Jones, Leftwich, and Martin of Conecuh—11.

TUESDAY, February 23, 1875.

The Senate met pursuant to adjournment.

Prayer by Rev. Dr. Andrews.

Present—

Messrs. Carmichael, Cobb, Coleman, Curtis, Dereen, Driesbach, Edwards, Glass, Grayson, Hamilton, Harris of Lee, Harris of Russell, Inzer, Jones, Leftwich, Martin of Conecuh, Martin of Tuscaloosa, Parks, Robinson, Snodgrass and Walton—21.

The journal of yesterday was read and approved.

Leave of absence was granted to Mr. Royal for one day.

#### CALL OF THE DISTRICTS.

Bills were introduced :

By Mr. Moore—

S. B. 607. To amend section 2537 of the Revised Code.

Also,

P. B. 608. To amend section 3698 of the Revised Code.

By Mr. Dereen—

S. B. 616. To fix the court of chancery in which bills for divorce may be filed for the case of adultery;

Which were severally read the first and second times, under a suspension of the constitutional rule, and referred to the Judiciary Committee.

By Mr. Moore—

S. B. 606. For the relief of Jesse J. Woodall, tax collector of Morgan county.

By Mr. Edwards—

S. B. 609. For the relief of Lewis Hobart of Morgan county.

By Mr. Grayson—

S. B. 612. To authorize the board of directors of the Huntsville Agricultural and Mechanical Association to rent the booths, stalls and grounds of the Association for certain purposes.

By Mr. Edwards—

S. B. 611. To authorize the probate judge of Blount county to take jurisdiction of the estate of Stephen Garrett, deceased, late of Etowah county.

By Mr. Carmichael—

S. B. 619. To fix the time of holding the circuit court in the eighth judicial circuit.

By Mr. Walton—

S. B. 620. To prescribe the mode of granting license to sell intoxicating liquors in the county of Choctaw.

By Mr. Parks—

S. B. 617. To require apportioners and overseers of roads to make report at the expiration of their respective terms of office.

By Mr. Carmichael—

S. B. 618. To amend section four of an act to preserve order at the China Grove Camp Ground, in the county of Dale;

Which were severally read the first, second and third times, under a suspension of the constitutional rule, and passed.

Senate bills 612, 618, 619 and 620, were ordered forthwith to the House without being engrossed.

By Mr. Edwards—

S. B. 610. To repeal an act to prohibit the sale of ardent spirits within two miles of Bethel Church in Winston county, and within two miles of the Methodist Church at Robinson's Springs, Elmore county, so far as relates to Bethel Church in "Winston county;

Which was read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Temperance.

By Mr. Cobb—

S. B. 613. To protect the State in the matter of the franchises and property of the Alabama and Chattanooga Railroad Company, and of the lands donated to the State for and on account of the railroad of that company by acts of Congress;

Which was read the first and second times, under a suspension of the constitutional rule, and referred to a select committee, consisting of Messrs. Martin of Tuscaloosa, Cobb and Parks, with instructions to report to-morrow, immediately after the reading of the journal.

By Mr. Cobb—

S. B. 614. To authorize John E. Roberts to furnish certain persons with artificial limbs, under the provisions of an act for the relief of claimed officers and soldiers who belonged to military organizations of this State, or of the Confederate States, approved February 19, 1867;

Which was read the first and second times, under a suspension of the constitutional rule, and referred to the Committee On Militia.

By Mr. Harris of Russell—

8. B. 615. For the relief of the solicitor of Russell county ;

Which was read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Municipal and County Organizations.

## MESSAGE FROM THE HOUSE,

By Mr. Garrett:

HOUSE OF REPRESENTATIVES,

February 23, 1875.

Mr. President:

The House has originated and passed the following bills:

H. B. 667. For the relief of Charles E. Miller of Dale county.

H. B. 668. To authorize the court of county commissioners of Henry county to levy a special tax to pay the registered debt of said county.

H. B. 669. To authorize the commissioners' court of Franklin county to compensate the sheriff of said county for services therein named.

H. B. 670. To authorize the commissioners' court of Jefferson county to appoint an agent to copy the field notes of said county from the records on file in the office of the secretary of state, and for other purposes herein named.

H. B. 671. To provide for an additional term of the circuit court. for Madison county.

H. B. 672. To repeal section two of an act entitled an act to change the mode of receiving and disbursing the revenue of Mobile county, approved February 9, 1852.

H. B. 673. To prohibit the sale of spirituous liquors within three miles of Crittenden's Cross Roads, in the county of Lauderdale.

H. B. 674. To authorize circuit judges in this State to fix the bail in allailable felony cases during the term of the court, and to endorse the same on the indictment.

H. B. 675. To amend the articles of association of the Marion Savings Bank.

H. B. 676. To prohibit the sale or giving away of spirituous or vinous liquors is one mile of Spring Hill Church, in Pike county.

H. B. 677. To enlarge the jurisdiction of justices of the peace in Sumpter county, north of the line dividing townships twenty and twenty-one, in said county.

H. B. 678. To prevent the sale of spirituous or vinous liquors within two miles of any church in the county of Washington on days of public worship.

H. B. 472. To amend section 3643 of the Revised Code of Alabama so far as the same relates to Shelby county.

The House has passed the Senate bill—

S. B. 602. To amend an act to incorporate the Montgomery Race Course Association.

ELLIS PHELAN,  
Clerk.

### HOUSE MESSAGES.

The Senate bill was taken up—

S. B. 158. To enable aliens to acquire, hold and dispose of property, real and personal, as native citizens.

The Senate receded from its amendment to the House substitute. Yeas 14—nays 10.

Those who voted in the affirmative are—

Messrs. Black, Carmichael, Cobb, Cunningham, Curtis, Driesbach, Edwards, Farden, Glass, Harris of Lee, Inzer, Martin of Conecuh, Snodgrass and Terrell —14.

Those who voted in the negative are—

Messrs Coleman, Cooper, Dereen, Grayson, Hamilton, Harris of Russell, Martin of Tuscaloosa, Parks, Robinson and Walton—10.

The Senate concurred in the House substitute. Yeas 14—nays 10.

Those who voted in the affirmative are—

Messrs. Black, Carmichael, Cobb, Coleman, Cunningham, Curtis, Driesbach, Edwards, Harris of Lee, Inzer, Leftwich, Martin of Conecuh, Snodgrass and Terrell —14.

Those who voted in the negative are—

Messrs Cooper, Dereen, Glass, Grayson, Hamilton, Harris of Russell, Martin of Tuscaloosa, Parks, Robinson and Walton—10.

The House bills—

H. B. 476. To amend section nine of an act to incorporate the town of Evergreen, Conecuh county.

H. B. 628. For the relief of Thomas J. Burchfield, of the county of Tuscaloosa.

H. B. 629. For the relief of R. S. Thomas, of the county of Tuscaloosa.

H. B. 630. To establish a new precinct and form a new beat in the county of Tuscaloosa.

H. B. 632. To prevent camp hunting in Washington county by any person not a citizen of the State of Alabama.

H. B. 636. For the relief of maimed officers and soldiers of the State.

H. B. 637. For the relief of Isaac Nolen, of the county of Clay.

H. B. 638. To require the judge of probate of Escambia county to issue a certificate of redemption to Jephtha Black-

shear for lands sold at tax sale in 1874, and to require the auditor to erase said land numbers from the book of tax sales in his office.

H. B. 641. To authorize the commissioner's court of Covington county to pay J. J. Richards for carrying a lunatic to the Insane Hospital, and also to levy a special tax to pay claims of a similar character in said county.

H. B. 667. For the relief of Chas E. Miller, of Dale county.

H. B. 668. To authorize the court of county commissioners of Henry county to levy a special tax to pay the registered debt of said county.

H. B. 671. To provide for an additional term of the circuit court for Madison county.

H. B. 673. To prohibit the sale of spirituous liquors within three miles of Crittenden's Cross Roads, in the county of Lauderdale.

H. B. 675. To amend the articles of association of the Marion Savings Bank.

H. B. 676. To prohibit the sale or giving away of spirituous or vinous liquors in one mile of Spring Hill Church in Pike county.

H. B. 678. To prevent the sale of spirituous or vinous liquors within two miles of any church in the county of Washington on days of public worship;

Were severally read the first, second and third times, under a suspension of the constitutional rule, and passed.

The House bill—

H. B. 475. To detach a portion of Escambia county and attach it to Conecuh county ;

Was read the first, second and third times, under a suspension of the constitutional rule, and passed by a two-thirds vote. Yeas 20—nay 1.

Those who voted in the affirmative are—

Messrs. Black, Carmichael, Cobb, Coleman, Cooper, Cunningham, Curtis, Dereen, Edwards, Glass, Grayson, Harris of Lee, Harris of Russell, Inzer, Leftwich, Martin of Conecuh, Parks, Robinson, Snodgrass and Walton—20.

Mr. Martin of Tuscaloosa voted in the negative.

The House bill—

H. B. 631. For the relief of Miss May Coffee, of the county of Bibb, of non-age ;

Was read the first and second times, under a suspension of the constitutional rule.

Mr. Terrell moved to amend by making its provisions applicable to John M. Mitchell, of Tallapoosa county.

The bill and amendment were referred to the Committee on Privileges and Elections.

The House bills—

H. B. 633. To secure the purchase money of personal property held on a credit in certain cases therein named.

H. B. 634. To authorize the transfer of certain causes from the circuit court of Barbour county to the city court of Eufaula, when the judge of said circuit court is incompetent to try the same.

H. B. 472. To amend section 3643 of the Revised Code, so far as the same relates to Shelby county.

H. B. 674. To authorize circuit judges in this State to fix bail in all bailable felony cases, during the term of the court, and to endorse the same on the indictment ;

Were severally read the first and second times, under a suspension of the constitutional rule, and referred to the Judiciary Committee.

The House bills—

H. B. 635. To allow Noel H. Grace, trustee of the estate of Martha McCombs, deceased, to sell certain lands.

H. B. 670. To authorize the commissioners' court of Jefferson county to appoint an agent to copy the field notes of said county from the records on file in the office of the secretary of State, and for other purposes herein named.

H. B. 677. To enlarge the jurisdiction of justices of the peace in Sumter county, north of the line dividing townships 20 and 21, in said county ;

Were severally read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Local Legislation.

The House bill—

H. B. 639. To change the name of Elisha H. Pool, an infant of Coffee county, to Elisha H. P. Simmons ;

Was read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Municipal and County Organizations.

The House bill—

H. B. 640. To repeal an act entitled an act to prohibit the selling of vinous or spirituous liquors within two miles of Fairmount Church, and the Adkinson school house, in the county of Covington ;

Was read the first, second and third times, under a suspension of the constitutional rule, and passed. Yeas 8—nays 12.

On the passage—

Those who voted in the affirmative are —

Messrs. Driesbach, Edwards, Grayson, Jones, Martin of Conecuh, Parks, Robinson and Snodgrass—8

Those who voted in the negative are—

Messrs. Carmichael, Cobb, Coleman, Cooper, Cunningham, Curtis, Dereen, Hamilton, Harris of Lee, Harris of Russell, Inzer and Walton—12,

The House bill—

H. B. 642. To make it lawful for the sheriff of Crenshaw county to serve all precesses and collect executions issued from notary public and justices courts in said county;

Was read the first and second times, under a suspension of the constitutional rule.

Mr. Robinson offered a substitute with the following title:

H. B. 642. To authorize the sheriffs of this State to execute all process required by law of constables, except in the counties of Mobile and Madison.

The substitute was adopted, the bill read the third time, under a suspension of the constitutional rule, and passed.

The House bill—

H. B. 658. To authorize and empower the courts of county commissioners of Wilcox, Pickens, Russell and Greene counties to levy and collect special tax for bridge purposes ;

Was read the first and second times, under a suspension of the constitutional rule, and laid on the table.

The House bill—

H. B. 669. To authorize the commissioners court of Franklin county to compensate the sheriff of said county for services therein named;

Was read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Revision of Laws.

The House bill—

H. B. 672. To repeal section two of an act entitled, an act to change the mode of receiving and disbursing the revenue of Mobile county, approved February 9, 1852 ;

Was read the first and second time?, under a suspension of the constitutional rule.

#### ENROLLED BILLS.

Mr. Dereen, from the Committee on Enrolled Bills, reported as correctly enrolled the following :

S. B. 374. An act to amend an act to incorporate the East Alabama Female College and the Bascomb Female Institute, approved January 27, 1852.

Mr. Harris of Lee, from the same committee, reported the following correct :



S. B. 602. An act to amend an act to incorporate the Montgomery Race-course Association.

On motion of Mr. Farden, at 2 o'clock the Senate adjourned.

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WEDNESDAY, February 24, 1875.

The Senate met pursuant to adjournment.

Prayer by Rev. J. B. Jones.

Present—

Messrs. Carmichael, Cobb, Coleman, Cooper, Cunningham, Curtis, Dereen, Driesbach, Edwards, Glass, Grayson, Green, Hamilton, Haralson, Harris of Lee, Harris of Russell, Inzer, Jones, Leftwich, Little, Martin of Conecuh, Martin of Tuscaloosa, Moore, Parks, Robinson, Royal, Snodgrass and Walton—28.

Mr. Hamilton moved a suspension of the order of business to allow him to introduce a bill and call up certain House bills.

The motion prevailed.

Mr. Hamilton offered a substitute for the House bill—

H. B. 672. To repeal section two of an act to change the mode of receiving and disbursing the revenue of Mobile county, approved February 9, 1852.

The substitute was adopted, the bill read the third time, under the suspension of the constitutional rule, passed and ordered to the House.

Mr. Hamilton introduced a bill—

S. B. 621. To authorize the corporate authorities of the city of Mobile to contract with the owners or lessees of the Mobile water works for the supply of water for public purposes;

Which was read the first, second and third times, under a suspension of the constitutional rule, passed and ordered to the House.

Mr. Hamilton renewed his motion to reconsider the vote by which the Senate passed the House bill—

H. B. 590. To allow the Bienville Water Works Company of the city and county of Mobile, five years from the passage and approval hereof, within which to cause to be conducted to said city, water from the eight mile creek, or some of the affluents thereof.

The vote was reconsidered. The vote ordering the bill to a third reading was reconsidered. The vote adopting the

amendment to the bill was reconsidered. The amendment was tabled.

The bill was read the third time, under a suspension of the constitutional rule, passed and ordered to the House.

Mr. Cooper moved a suspension of the order of business to allow the committee on the judiciary to make a report.

Mr. Cooper, from the judiciary committee, reported favorably to the bill—

S. B. 430. Authorizing the board of mayor and aldermen of the town of Gadsden to lay off and define the corporate limits of said town and to divide, the same into five wards, prescribing the limits of each and defining the number of aldermen for each ward, and for other purposes therein expressed ;

Which was read the third time, under a suspension of the constitutional rule, and passed.

The title was amended to read as follows :

S. B. 430. To authorize the mayor and aldermen of the town of Gadsden to lay off the limits of said town into five wards—define the number and mode of selection of officers—their powers and duties, with authority to increase or diminish the corporate limits of said town by a majority vote of the legally authorized voters of said town, and for other purposes in said act mentioned.

Mr. Cobb, by leave, offered the following resolution, which was adopted:

Resolved, That the select committee to which was referred the bill to abrogate the contract or agreement made by David P. Lewis, as Governor of Alabama, with E. A. Packer & Co., for the sale of the lands of the Alabama & Chattanooga Railroad Company, be, and said committee is hereby authorized and empowered to send for persons and papers, and to examine persons under oath touching all matters connected with said contract and the execution of the same.

Mr. Little moved to suspend the order of business to allow him to introduce bills.

The motion prevailed.

Mr. Little introduced a bill—

S. B. 622. To regulate the pay of witnesses on behalf of the State, in the circuit court of Sumter county, in certain Cases ;

Which was read the first, second and third times, under a suspension of the constitutional rule, and passed.

By Mr. Little—

S. B. 623. To amend section 3106 of the Revised Code ;

Which W&B read the first and second times, under a suspension of the constitutional rule, and referred to the Judiciary Committee.

### SPECIAL ORDER.

The business before the Senate being the report of the committee on the revenue bill—

Mr. Cunningham, from the Committee on Finance, reported favorably, with amendments, to the House bill—

H. B.57. To establish revenue laws for the State of Alabama.

Amend section two by substituting "five" for "ten" in the sixth line.

Amend section five as follows: By substituting the word "of" for "between" in the nineteenth, twentieth and twenty-first lines; by inserting the words "less than" before "\$50,000," in the nineteenth line, before "\$100,000," and "\$250,000," in the twentieth line, and before "\$500,000," in the twenty-first line; by substituting the word "kept" for "and," where it last occurs in the twenty-eight line; by adding the words "50 cents on the \$100" at the end of the thirtieth line. Strike out the words "and race horses" and substitute "50" for "75" in the thirty-eight line, and add to the same line the words "and all race horses 75 cents on \$100." Substitute "75" for "50" in the thirty-ninth and fifty-first lines. Add to the fifty fifth line the words "except a license tax, when such is allowed by law." Substitute the word "not" for "and," where it last occurs in the fifty-eighth line.

Amend section seven, ninth line, by substituting "property" for "persons."

Amend section nine, second line, by substituting "and" for "or."

Amend section ten, seventh line, by substituting "consignment" for "assignment" ; by inserting the word "the" after "on" in the ninth line; by substituting "in" for "of" where it first occurs in the thirteenth line ; by substituting "country" for "county" in the fourteenth line ; by adding to the twenty-eighth line the words "except in the case of life insurance companies, chartered by or organized under any of the laws of this State, one per centum on the gross amount of premiums less the expenditures, reserved fund, returned premiums, and losses paid, but from this amount fifty dollars shall be applied to public school purposes" ; by inserting the word "broker" after "factor" in the thirtieth line ; by substituting the words " bale, sack, package," for "sales" in the thirty

second line ; by adding the words "but no bad debt shall be deducted," to the thirty-fifth line ; by inserting after the word "thereof," in the fifty-sixth line, the words "for corporations other than for religious literary, or benevolent purposes" ; by striking out "express and " and inserting after " telegraph " the words "and place or sleeping car" in the sixty - seventh line; by inserting the words "palace or sleeping car" after "telegraph" in the seventy-first line ; by adding the words "when they collect any incomes" to the end of the seventy-third line ; by ; substituting the word "business" for "office," in the seventy eighth line.

Amend section eleven, third line, by substituting "one-half" for "three fourths."

Amend section twenty-four, fifth line, by striking out the words, "city and incorporated towns."

Amend section thirty, second line, by substituting "27" for "30 ."

Amend section thirty-one by inserting "his" after "delinquent" in second line.

Amend section thirty-three, second line, by substituting "29" for "30."

Amend section thirty-eight, second line, by substituting "30" for "33," and the third line by inserting the word "the" after "which."

Amend section thirty-nine, first line, by substituting the words " in office " for "acting" ; also, by substituting "1875" for "1874" in line two.

Amend section forty-three, line nine, by substituting "29" for "32."

Amend section forty-four, line three, by substituting "9" for "8," and "4" for "5."

Amend section forty-five, line two, by substituting "one" for "four."

Amend section forty-seven, line eleven, by substituting the words " obligation and other funds authorized by law to be " for the words " warrants on the State and county treasurers " ; also, by substituting the word "identical" for "same kind of" in twelfth line.

Amend section forty-eight, line twelve, by striking out "tax-payer" after "defaulting" ; also, line nineteen, by substituting "now" for "no" ; also, by inserting the word "allowed" after "now" in line twenty-two, and substituting "is" for "be" in line twenty-seven.

Amend section fifty by inserting "thereof " after "Monday" in second line.

Amend section fifty-four, line seven, by substituting "collector" for "assessor," and "two" for "one and a half."

Amend section fifty-six, line two, by substituting "45" for "49."

Amend section sixty, line six, by striking out "to" after "taken."

Amend section seventy-one, line one, by inserting "to" after "that."

Amend section seventy-three, line five, by inserting "after three mouths, but" after "redeemed"; also, by substituting "fifteen" for "twenty-five" ; also, by inserting after "centum" the words "if redeemed after one year, twenty per centum," in line six.

Amend section ninety-three, line four, by inserting after "State" the words "except that upon the property mentioned in subdivision twenty-one, section five, they shall not pay more than one-quarter of one per cent"; also, lines five and six, strike out the words "equalize as provided by the board of equalization."

Amend section ninety-five, line two, by inserting after "mentioned" the words "or do any act in the nature of carrying on, or engaging in such business or profession."

Amend section ninety-six, line three, by striking out "treasurer of the county or," and inserting after "probate" the words "of the county."

Amend section ninety-seven, line one, by substituting the words "the payment of such amount" for "presentation of such receipt"; also, line two, by striking out the words "if found to be for the amount required."

Amend section ninety-nine, line two, by striking out "the county treasurer, or where there is no such officer."

Amend section one hundred and one, line six, by substituting "discretion" for "direction."

Amend section one hundred and two, line twenty-two, by inserting at end "any chari-"; also, line forty-six, by inserting "person" after "any," and "ing" after "deal"; also, by substituting "an" for "in," line fifty-seven.

Amend section one hundred and fourteen, line two, by striking out "auditor of " ; by substituting "33" for "34," line four ; by substituting "34" for "35," line five; by substituting "50" for "48," line twenty-four; by substituting "53"for "54," line twenty-eight.

Amend section one hundred and twenty-five, line six, by striking out "and" after "money," and inserting after "act" the words "or any act amendatory or revisory thereof."

Mr. Robinson moved to temporarily lay the bill and amendments on the table;

Lost—yeas 11, nays 19.

Those who voted in the affirmative are—

Messrs. Curtis, Dereen, Harris of Lee, Leftwich, Little, Martin of Conecuh, Martin of Tuscaloosa, Robinson, Royal, Snodgrass and Terrell—11.

Those who voted in the negative are—

Messrs. Carmichael, Coleman, Cooper, Cunningham, Driesbach, Edwards, Farden, Glass, Golson, Grayson, Green, Hamilton, Haralson, Harris of Russell, Inzer, Jones, Moore, Parks and Walton—19.

Mr. Dereen moved to suspend the special orders to call the districts;

Lost.

Mr. Terrell moved to suspend the special orders to allow him to offer a resolution ;

Lost—yeas 22, nays 8,—the rule requiring three-fourths to suspend.

Those who voted in the affirmative are—

Messrs. Carmichael, Cobb, Coleman, Cooper, Cunningham, Driesbach, Edwards, Grayson, Green, Hamilton, Harris of Lee, Inzer, Leftwich, Little, Martin of Conecuh, Martin of Tuscaloosa, Moore, Parks, Robinson, Snodgrass, Terrell and Walton—22.

Those who voted in the negative are—

Messrs. Dereen, Farden, Glass, Golson, Haralson, Harris of Russell, and Jones—8,

Mr. Walton moved to reconsider the vote by which the Senate refused to pass the House bill—

H. B. 640. To repeal an act entitled an act to prohibit the selling of vinous, or spirituous liquors, within two miles of Fairmount Church, and the Adkinson School House, in the county of Covington.

The vote was reconsidered, and the bill passed—yeas 16, nays 13.

Those who voted in the affirmative, on the passage, are—

Messrs. Black, Dereen, Driesbach, Edwards, Farden, Grayson, Jones, Little, Martin of Conecuh, Martin of Tuscaloosa, Moore, Parks, Robinson, Royal, Terrell and Walton—16.

Those who voted in the negative are—

Messrs. Carmichael, Cobb, Coleman, Cooper, Cunningham, Curtis, Glass, Green, Hamilton, Haralson, Harris of Lee, Harris of Russell, and Inzer—13.

Mr. Grayson moved to suspend the special orders to allow him to call up a certain bill;

Lost.

On motion of Mr. Little, the revenue bill, H. B. 57, was postponed and made the special order for Friday, eleven o'clock.

Yeas 13, nays 11.

Those who voted in, the affirmative are—

Messrs. Carmichael, Curtis, Dereen, Hamilton, Harris of Lee, Harris of Russell, Little, Martin of Conecuh, Martin of Tuscaloosa, Moore, Parks, Robinson and Terrell —13.

Those who voted in the negative are—

Messrs. Coleman, Cooper, Cunningham, Farden, Golson, Grayson, Green, Haralson, Jones, Snodgrass and Walton—11.

### CALL OF THE DISTRICTS.

Bills were introduced:

By Mr. Cooper—

S. B. 624. To prevent the sale, or otherwise disposing of vinous or spirituous liquors, within two miles of New Elam church, Montgomery county;

Which was read the first and second times, under a suspension of the constitutional rule, and referred to a select committee composed of Messrs. Cooper, Farden and Parks.

By Mr. Inzer—

8. B. 625. To authorize the courts of county commissioners of this State to procure field notes of the original surveys of all the lands in their respective counties.

By Mr. Martin of Conecuh—

S. B. 634. For the relief of Bird Fitzpatrick of Bullock county.

By Mr. Harris of Russell—

S. B. 628. To authorize M. E. Richardson to administer on the estate of Walker Richardson on her own bond.

By Mr. Haralson—

S. B. 632. Authorizing the judge of the circuit court of Dallas county to adopt rules of practice, and to allow temporary adjournments of said circuit court;

Which were severally read the first, second and third times, under a suspension of the constitutional rule, and passed.

Senate bills 628 and 632, were ordered forthwith to the House.

By Mr. Martin of Tuscaloosa—

S. B. 626. To authorize the judges of the supreme court of Alabama to contract for the speedy publication of the supreme court reports of Alabama, up to and including the January term, 1875;

Which was read the first and second times, under a sus-

pension of the constitutional rule, and referred to a select committee composed of Messrs. Hamilton, Harris of Russell, Cobb and Martin of Tuscaloosa.

By Mr. Terrell—

S. B. 627. For the more efficient organization of the volunteer militia of Alabama;

Which was read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on the Militia.

#### MESSAGE FROM THE HOUSE,

By Mr. Phelan:

HOUSE OF REPRESENTATIVES,  
February 24, 1875.

Mr. President:

The House has passed the Senate bill:

S. B. 449. To amend the charter of the Alabama Insurance Company.

And has amended, as therein shown, and passed Senate bill—

S. B. 150. To establish a new charter for the city of Selma.

ELLIS PHELAN,  
Clerk.

#### MESSAGE FROM THE GOVERNOR,

By his Recording Secretary :

STATE OF ALABAMA,  
EXECUTIVE DEPARTMENT,  
MONTGOMERY, February 23, 1876.

Mr. President:

The Governor has approved the following bills which originated in the Senate:

S. B. 555. An act to prohibit the sale, or otherwise disposing of intoxicating liquors, within one and one quarter of a mile of Ashville depot, on the A. & C. railroad, in St. Clair county.

S. B. 583. An act to prohibit the sale, giving away, or otherwise disposing of spirituous, vinous or malt liquors, or intoxicating bitters, or other intoxicating beverages, within three miles of Cambridge Camp Ground, in Limestone county.



S. B. 554. An act to invest the mayor of the town of Scottsboro, in the county of Jackson, with all the power and authority of a notary public of said county.

S. B. 544. An act to prescribe the times of holding the chancery courts of the chancery district composed of the county of Shelby, in the eastern chancery division, and number the same.

S. B. 569. An act to authorize the probate court of Franklin county to take jurisdiction of the administration of the estate of Ambrose D. McCord, late of said county, deceased, notwithstanding the relationship of the judge of said court with the decedent.

S. B. 578. An act to provide for the filling of vacancies which may occur in the offices of mayor, treasurer, tax collector auditor and clerk of the city of Mobile.

S. B. 602. An act to amend an act to incorporate the Montgomery Race-course Association.

S. B. 546. An act to authorize and empower the commissioners court of Chilton county to levy a special tax to pay the indebtedness of said county.

S. B. 565. An act to better provide for the maintenance of the paupers of Lee county.

S. B. 562. An act to restrict the power of taxation by cities and incorporated towns, as required by section 16, article xiii, of the constitution of this State.

S. B. 542. An act to prescribe the time of holding the chancery court of the third district of the eastern chancery division, composed of Randolph county.

S. B. 538. An act to allow the city of Montgomery to work persons convicted of violations of the ordinances of the city, outside of said city.

S. B. 510. An act to incorporate the town of Auburn in Lee county.

S. B. 561. An act to legalize an election of justice of the peace for the eighth ward in the city of Mobile, held on the 22d day of December, 1874.

S. B. 503. An act to enlarge the criminal jurisdiction of the mayor and council of the town of Union Springs.

S. B. 587. An act to prohibit the sale of vinous, spirituous or other intoxicating liquors, except for sacramental purposes, within five miles of the Methodist Church, near Thomas H. Phillips' place, in Macon county, and Oak Grove Station on the Montgomery & Eufaula Railroad, in Montgomery county.

S. B. 522. An act to amend an act to prohibit the selling of vinous, spirituous or malt liquors within three miles of

Piney Grove Christian church and school house in Morgan county.

S. B. 492. An act to amend sections seven and ten of an act entitled, an act to incorporate the town of Ozark, in the county of Dale.

S. B. 87. An act to amend an act entitled, an act to incorporate the town of Leighton in the counties of Lawrence and Colbert.

S. B. 191. An act to repeal section 1374 of the Revised Code of Alabama, so far as it relates to the counties of Dale, Jackson and Conecuh.

S. B. 372. An act to prevent camp hunting in the counties of Blount, Marion and Winston.

S. B. 581. An act to amend the last paragraphs of sections 3514, 3517 and 3518 of the Revised Code so far as the same relates to the county of Dale.

S. B. 374. An act to amend an act to incorporate the East Alabama Female College and the Bascomb Female Institute, approved January 27, 1852.

S. B. 550. Joint memorial to the Congress of the United States relative to the cotton tax.

Respectfully,

IKE H. VINCENT,  
Recording Secretary.

Bills were introduced.

By Mr. Edwards—

S. B. 629. To establish in each county of this State, an inferior court of record, and to provide for its organization ;

Which were severally read the first and second times, under a suspension of the constitutional rule.

Mr. Black moved to exempt Barbour county from its provisions.

The bill and amendment were referred to the Judiciary Committee.

By Mr. Farden—

S. B. 630. For the relief of Robert Parker, late coroner of Montgomery county.

By Mr. Carmichael—

S. B. 635. For the relief of Thomas A. Sykes, of Crenshaw county ;

Which were severally read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Municipal and County Organizations.

By Mr. Farden—

S. B. 631. To declare Caroline Gerson a free dealer ;

Which was read the first and second times, under a suspension of the constitutional rule, and laid on the table.

By Mr. Dereen—

S. B. 633. Joint Memorial of the General Assembly, asking a donation of the public lands of the State for the benefit of the indigent, insane, idiotic, blind, deaf and dumb of the State ;

Which was adopted and ordered forthwith to the House.

#### ENROLLED BILLS.

Mr. Dereen, from the Committee on Enrolled Bills, reported the following as correctly enrolled :

S. B. 552. An act to amend the charter of the town of Decatur, in Morgan county.

Mr. Grayson, from the same committee, reported the following bill correct :

S. B. 158. An act to enable aliens to acquire, hold, and dispose of property, real and personal, as native citizens.

Mr. Hamilton, from the select committee, reported a substitute for the bill—

S. B. 461. To authorize and direct the treasurer of the State to pay the amount of a decree, and the costs, rendered by the chancery court of Dallas county, against the fund in his office arising from the sales of swamp and overflowed lauds.

The caption of the substitute reads as follows :

S. B. 461. To provide for the payment of such person or persons as may establish their right to compensation for services about selecting and securing tile to the State of swamp and overflowed lands, and to permit the further prosecution ; of the suit now pending for that purpose, under a special act of the General Assembly.

The substitute was adopted.

Mr. Cobb moved to reconsider the vote adopting the substitute.

Mr. Cobb moved to postpone till Saturday at 11 o'clock, and make it the special order for that hour.

Mr. Martin of Tuscaloosa moved to table the motion to postpone.

Lost.

The motion to postpone prevailed.

On motion of Mr. Martin of Tuscaloosa, the Senate adjourned at three o'clock.

THURSDAY, February 25th, 1875.

The Senate met pursuant to adjournment.

Prayer by Rev. J. B. Jones.

Present—

Messrs. Carmichael, Coleman, Cooper, Cunningham, Curtis, Dereen, Driesbach, Edwards, Glass, Golson, Grayson, Green, Hamilton, Haralson, Harris of Lee, Harris of Russell, Inzer, Jones, Leftwich, Little, Martin of Conecuh, Martin of Tuscaloosa, Parks, Robinson, Royal and Walton—26.

The journal of yesterday was read and approved.

On motion of Mr. Inzer, the Senate took up the bill—

S. B. 595. To compensate the commissioners to codify the laws of Alabama.

Mr. Robinson moved to amend by substituting “one thousand dollars,” in lieu of “two thousand dollars.”

On motion of Mr. Inzer, the amendment was tabled.

Mr. Terrell moved to substitute “fifteen hundred” for “two thousand.”

Lost. Yeas 8—nays 21.

Those who voted in the affirmative are—

Messrs. Carmichael, Coleman, Grayson, Harris of Lee, Little, Parks, Robinson and Terrell—8.

Those who voted in the negative are—

Messrs. Black, Cooper, Cunningham, Curtis, Dereen, Driesbach, Edwards, Glass, Golson, Green, Hamilton, Harris of Russell, Inzer, Jones, Leftwich, Martin of Conecuh, Martin of Tuscaloosa, Royal, Snodgrass, and Walton—21.

The constitutional rule was suspended, the bill read the third time and passed. Yeas 25—nays 4.

Those who voted in the affirmative are—

Messrs. Black, Carmichael, Cooper, Cunningham, Curtis, Dereen, Driesbach, Edwards, Glass, Golson, Grayson, Green, Hamilton, Haralson, Harris of Russell, Inzer, Jones, Leftwich, Little, Martin of Conecuh, Martin of Tuscaloosa, Parks, Royal, Snodgrass and Walton—25.

Those who voted in the negative are—

Messrs. Coleman, Harris of Lee, Robinson and Terrell—4.

The bill was ordered to the House.

Mr. Terrell offered the following resolution, which lies over one day under the rules :

Be it resolved, That the first business in order after the hour of two o'clock on Saturdays, shall be “miscellaneous business,” any other rule to the contrary notwithstanding.

MESSAGE FROM THE HOUSE,

By Mr. Whitman—

HOUSE OF REPRESENTATIVES,  
February 25, 1875.

Mr. President :

The House has originated and passed the following bills :

H. B. 707. To incorporate the town off Elba, in Coffee county.

H. B. 708. To incorporate the town of Midway, in Bullock county.

H. B. 714. To authorize and empower the commissioners' court of Walker county, to make a certain appropriation.

It has also passed the Senate bill—

S. B. 184.. To amend section 2 of an act to establish a new charter for the town of Marion, in the county of Perry.

The House has amended as therein shown and passed Senate bill—

S. B. 322. To incorporate the town of Cullman, in Blount county.

And has adopted Senate joint resolution in relation to a proper revenue system for the State of Alabama.

Committee on the part of the House : Mr. Speaker Anderson (by order of the House), and Messrs. Barnett and Bruce.

ELLIS PHELAN,  
Clerk.

On motion of Mr. Martin of Conecuh, the call of the districts was dispensed with to consider

REPORTS OF STANDING COMMITTEES.

Mr. Hamilton, from the Judiciary Committee, reported favorably to the House bill—

H. B. 130. To amend section 3695 of the Revised Code.

Mr. Haralson moved to strike out "two" and insert "one," in the twenty-third line of section one.

Mr. Grayson moved to table the amendment, which motion prevailed.

On motion of Mr. Carmichael, the vote by which the amendment was tabled, was reconsidered.

The question recurring on the motion to table the amendment, it was lost—yeas 6, nays 26.

Those who voted in the affirmative are—

Messrs. Coleman, Driesbach, Grayson, Harris of Lee, Moore and Robinson—6.

Those who voted in the negative are—

Messrs. Black, Carmichael, Cobb, Cooper, Cunningham,

Curtis, Dereen, Edwards, Farden, Glass, Golson, Green, Hamilton, Haralson, Harris of Russell, Inzer, Jones, Leftwich, Little, Martin of Conecuh, Martin of Tuscaloosa, Parks, Royal, Snodgrass, Terrell and Walton—26.

The amendment was adopted.

Mr. Robinson moved to strike out the last proviso of the bill.

On motion of Mr. Farden, the motion was tabled—yeas 20, nays 9.

Those who voted in the affirmative are—

Messrs. Black, Carmichael, Cobb, Cooper, Cunningham, Curtis, Dereen, Farden, Glass, Green, Hamilton, Haralson, Harris of Russell, Inzer, Leftwich, Little, Martin of Conecuh, Martin of Tuscaloosa, Royal and Walton—20.

Those who voted in the negative are—

Messrs. Coleman, Driesbach, Grayson, Harris of Lee, Moore, Parks, Robinson, Snodgrass and Terrell—9.

The constitutional rule was suspended, the bill read the third time and passed, and ordered to the House.

The hour of twelve o'clock having arrived, the Senate proceeded to the consideration of the

#### SPECIAL ORDER.

The Senate bill—

S. B. 254. To provide for calling a convention to revise and amend the constitution of this State.

On motion of Mr. Carmichael, it was postponed and made the special order for Thursday, 12 o'clock, m.—yeas 22, nays 8.

Those who voted in the affirmative are—

Messrs. Carmichael, Cobb, Cooper, Cunningham, Curtis, Driesbach, Edwards, Glass, Grayson, Hamilton, Haralson, Harris of Lee, Harris of Russell, Inzer, Leftwich, Little, Martin of Conecuh, Martin of Tuscaloosa, Moore, Royal, Snodgrass and Walton—22.

Those who voted in the negative are—

Messrs. Black, Coleman, Dereen, Golson, Green, Jones, Parks and Robinson—8.

Mr. Hamilton, from the Judiciary Committee, reported favorably to the following bills :

S. B. 527½. To amend an act to constitute the purchasers of any railroad sold hereafter, under authority of any law of this State, a body corporate and politic, approved December 17, 1873, and to declare the meaning and intendment of the word "purchasers" as used therein.

S. B. 584. To give incorporated towns the power to limit

the running of railroad trains and engines to a speed not exceeding six miles per hour while running through their corporate limits.

S. B. 370. To better secure the payment of mechanics and others for their labor and materials furnished.

S. B. 497½. To amend section 2878 of the Revised Code.

S. B. 572. To regulate publications by tax assessors and

S. B. 608. To amend section 3698 of the Revised Code.

S. B. 519. To prevent the running of freight trains upon and along the different lines of railway, in this State, on Sunday.

S. B. 171. To aid in the substitution of lost records.

S. B. 43. To provide for the trial of issues of fact without a jury in certain cases.

S. B. 413. To amend section 2704 of the Revised Code.

S. B. 219. To repeal an act entitled an act to amend section 2931 of the Revised Code, approved September 16, 1868.

S. B. 464. In relation to the estates of minors who reside with their parents in other States.

S. B. 142. To amend section 934 of the Revised Code.

S. B. 386. To protect the interest of the State by appointment of State directors in all railroad companies in this State, wherein such railroad companies have accepted or may accept either straight or endorsed bonds of this State.

S. B. 593. To amend section 4064 of the Revised Code.

H. B. 188. To repeal sections 4031 and 4061 of the Revised Code of Alabama, so far as the same relates to the county of Coosa.

H. B. 570. To amend section 859 of the Revised Code ;

Which were severally read the third time, under a suspension of the constitutional rule, and passed.

Mr. Hamilton, from same committee, reported substitutes, with like captions, for the following bills :

S. B. 567. To prohibit practicing attorneys from becoming sureties on official bonds of county officers.

S. B. 390. To compel the courts of county commissioners of this State to carry into effect the provisions of chapter 3, part 4, title 2, of the Revised Code, providing for hard labor for the county.

S. B. 391. To amend section 3439 of the Revised Code.

The substitutes were severally adopted, the bills read the third time, under a suspension of the constitutional rule, and passed.

Mr. Hamilton, from same committee, reported favorably, with amendments, to the bill—

S. B. 529. To revise and amend an act to keep in each county of this State a proportionate share of the public school money, approved April 19, 1873.

Add to section four the words “ but no preference shall be given by the several tax collectors in the payment of the auditor’s warrants, drawn under the third section of this act, for school money, but shall make payments into the State treasury, and on said warrants, in the proportion of the latter to the whole amount of taxes which will probably be collected in his county for the then current fiscal year ; Provided, however, That the amount of school money apportioned to the several counties, respectively, shall be first paid to the superintendents of education of said counties for educational purposes in such counties, respectively, out of the collections of State revenue in the said several counties, so that the portion belonging to each county, for school purposes, shall always be retained in said counties.”

Add the following to section nine: “That on the final determination of the contest, it shall be the duty of the superintendent of public instruction to pay over any balance not disbursed by him to the person in whose favor the contest is decided.”

The amendments were adopted, the bill read the third time, under a suspension of the constitutional rule, and passed.

Mr. Hamilton, from same committee, reported favorably, with an amendment, to the House bill—

H. B. 369. For the protection of steamboats when passing drawbridges of railroads.

Amend by striking out in the last line of fourth section, all after the word “ the,” and substituting in place thereof the word “county.”

Amend by adding to the first section, the following : “ And if any steamboat attempt to go through any draw of any bridge, over any rivers of this State, without making the signals required by this section, her owners shall forfeit and pay the sum of five hundred dollars, one half for the use of the informer, and the other half for the use of the county or counties in which the draw is situated.”

The amendments were adopted, the bill read the third time, under a suspension of the constitutional rule, and passed.

Mr. Hamilton, from the same committee, reported favorably with amendments, to the House bill—

H. B. 456. In relation to the Selma Exposition.

Amend by striking out section five and substituting the following :



“ Sec. 5. Be it further enacted, That said corporation shall have authority to distribute premiums to exhibitors at its public fairs or exhibitions, according to the merit of the articles so exhibited, and to use all proper means not inconsistent with the laws of this State and of the United States, to develop and improve the agricultural and mechanical pursuits of this State : Provided, if there be more than one exhibitor of articles of equal merit, the premium may be awarded among the said exhibitors by lot.”

Amend by adding to section six, the words “ the privileges of this act are also hereby extended for the Agricultural, Mechanical and Horticultural Association of Mobile, and the Alabama State Fair Association of Montgomery.”

The amendments were adopted, the bill read the third time, under a suspension of the constitutional rule, and passed.

The caption was amended by adding thereto the words, “ the Agricultural, Mechanical and Horticultural Association of Mobile, and the Alabama State Fair Association of Montgomery.”

Mr. Hamilton, from the same committee, reported a substitute for the bills—

S. B. 513. In relation to landlords and tenants in incorporated cities and towns.

S. B. 359. To create a lien and to provide for the enforcement thereof, upon property on rented premises for the payment of the rent thereof.

The caption of the substitute is as follows ;

S. B. 513. The more effectually to secure the collection of rents in this State.

The substitute was adopted, the bill read a third time, under a suspension of the constitutional rule, and passed.

Mr. Hamilton, from the same committee, reported a substitute for the bill—

S. B. 549. Relating to appeals to the supreme court in actions of ejectment, unlawful detainer, and forcible entry and detainer.

The caption of the substitute is as follows :

S. B. 549. To amend section 3490 of the Revised Code.

The substitute was adopted, the bill read a third time, under a suspension of the constitutional rule, and passed.

Also, favorably with a substitute for the bill—

S. B. 249. For the relief of Augustus A. Coleman, of Hale county.

The caption reads as follows:

S. B. 249. To authorize a rehearing in the case of Chis-

holm vs. Coleman, decided at the January term, 1869, by the supreme court of this State.

On motion of Mr. Hamilton, the further consideration of the bill and substitute was postponed and made the special order for Tuesday, at 12 o'clock, m.

Also, favorably to the bill—

S. B. 304. To prescribe the terms in which appeals may be taken to the supreme court in certain cases.

The bill was laid on the table.

Also, favorably with an amendment to the bill—

S. B. 46. To define and limit the power of judges, or other magistrates, over fines assessed by juries in criminal cases.

Amend by adding to the first section of the bill, the words " unless and only when the judge so remitting or reducing the fine so assessed shall spread his reasons for so doing in full on the minutes of his court."

The amendment was adopted, the bill read the third time, under a suspension of the constitutional rule, and passed.

Also, a substitute for the bill—

S.B. 597. Explanatory of section 3514 of the Revised Code.

The caption of the substitute is as follows :

S. B. 597. To amend the last paragraph of section 3514 of the Revised Code.

The substitute was adopted, the bill read a third time, under a suspension of the constitutional rule, and passed.

Also, a substitute for the bill—

S.B.151. To authorize solicitors or clerks of courts to issue subpoenas in certain cases.

The caption of the substitute is as follows :

S. B. 151. To provide for summoning witnesses before the grand jury in certain cases.

The substitute was adopted, the bill read the third time, under a suspension of the constitutional rule, and passed.

Also, favorably with an amendment, to the bill—

S. B. 29. To create and provide for the punishment of the crime of seduction.

Amend by striking out all after the word "guilty" in the fourth line, and inserting the words, " of a misdemeanor, and on conviction shall be fined not less than one hundred, nor more than one thousand dollars, and may also be imprisoned in the county jail or sentenced to hard labor for the county, for not more than twelve months, one or both, at the discretion of the court trying the same : Provided, however, that no conviction shall be had, under this act, on the uncorroborated testimony of the female upon whom such seduction is charged."

The amendment was adopted, the bill read a third time, under a suspension of the constitutional rule, and passed.

Also, favorably with a substitute for the bill—

S. B. 173. To repeal an act entitled, an act to prevent the hiring out of convict beyond the limits of the county in which they are convicted, approved April 10, 1873.

The caption of the substitute is as follows:

S. B. 173. To provide for and regulate penal hard labor for the county.

The substitute was adopted.

Mr. Black moved to amend by excluding Barbour county from the provisions of the bill —

On motion of Mr. Carmichael, the motion was tabled.

Mr. Haralson moved to amend, by striking out the words “ hire out of the county.”

On motion of Mr. Carmichael, the motion was tabled.

The bill was read a third time, under a suspension of the constitutional rule, and passed.

Mr. Martin of Tuscaloosa, moved to adjourn.

Lost. Yeas 8, nays 19.

Those who voted in the affirmative are—

Messrs. Black, Curtis, Edwards, Jones, Martin of Conecuh, Martin of Tuscaloosa, Monroe and Walton—8.

Those who voted in the negative are—

Messrs. Carmichael, Coleman, Cooper, Cunningham, Driesbach, Glass, Grayson, Green, Hamilton, Haralson, Harris of Lee, Harris of Russell, Inzer, Leftwich, Little, Parks, Robinson, Royal and Snodgrass —19.

Mr. Hamilton, hum the same committee, reported favorably, with an amendment, to the bill—

S. B. 229. To execute the power of disposal of the lands granted by an act of Congress entitled " an act granting public lands in alternate sections to the State of Alabama to aid in the construction of certain railroads in said State," approved June 3, 1856 ; which power of disposal is conferred upon the Legislature of Alabama by said act of Congress.

Amend by inserting after the word " title," in the sixteenth line of section two, the following, in lieu of the remainder of the section : " And interest the State may have derived for and on behalf of each of said railroads, respectively, and no more, under and by virtue of said acts of Congress in and to the lands therein granted, and shall fully and legally vest all such title to said lands in and to the said railroad companies, respectively and severally, in accordance with said acts of Congress, and such reports and, lists."

Mr. Robinson moved to table the bill and amendment.

Lost. Yeas 4—nays 24.

Those who voted in the affirmative are—

Messrs. Harris of Lee, Martin of Tuscaloosa, Moore and Robinson—4.

Those who voted in the negative are—

Messrs. Black, Carmichael, Coleman, Cooper, Cunningham, Curtis, Driesbach, Edwards, Glass, Grayson, Hamilton, Haralson, Harris of Russell, Inzer, Jones, Leftwich, Little, Martin of Conecuh, Parks, Royal, Snodgrass, Terrell and Walton—24.

Mr. Moore moved to adjourn.

Lost. Yeas 11—nays 18.

Those who voted in the affirmative are—

Messrs. Carmichael, Curtis, Green, Harris of Lee, Leftwich, Martin of Tuscaloosa, Moore, Parks, Royal, Terrell and Walton—11.

Those who voted in the negative are—

Messrs. Black, Cobb, Coleman, Cooper, Cunningham, Driesbach, Edwards, Glass, Grayson, Hamilton, Haralson, Harris of Russell, Inzer, Jones, Little, Martin of Conecuh, Robinson and Snodgrass—18.

On motion of Mr. Coleman, the bill was made the special order for 11 o'clock to-morrow.

#### ENROLLED BILLS.

Mr. Dereen, from the Committee on Enrolled Bills, reported the following correctly enrolled :

S. B. 449. An act to amend the charter of the Alabama Insurance Company.

S. B. 184. An act to amend section two of an act to establish a new charter for the town of Marion, in the county of Perry.

On motion of Mr. Martin of Tuscaloosa, the Senate adjourned at half past three o'clock,

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FRIDAY, February 26, 1875.

The Senate met pursuant to adjournment.

Prayer by Rev. J. B. Jones.

Present :

Messrs. Black, Carmichael, Cobb, Coleman, Cooper, Cunningham, Curtis, Dereen, Driesbach, Edwards, Glass, Golson, Grayson, Green, Hamilton, Harris of Lee, Harris of Russell,

Inzer, Jones, Little, Martin of Conecuh, Martin of Tuscaloosa, Moore, Robinson, Royal, Snodgrass, and Walton—27.

The journal of yesterday was read and approved.

Mr. Hamilton, from the select committee, reported back the bill—

S. B. 626. To authorize the judges of the supreme court of Alabama to contract for the speedy publication of the Supreme Court Reports of Alabama up to and including the January term, 1875 ;

And recommend that the bill lie on the table ; and asked for the committee the privilege of continuing its sittings.

The same committee reported the following bill—

S. B. 636. To provide for the publication of the decisions to the supreme court.

S. B. 637. To prescribe the time of holding and the terms of the supreme court ;

Which were severally read the first, second and third times, under a suspension of the constitutional rule, and passed, and ordered to the House.

Mr. Little, from the select committee, reported favorably to the bill—

S. B. 599. To authorize the tax assessor of Sumter county to make a new assessment of the property of A. J. Arrington ;

Which was read the third time, under a suspension of the constitutional rule, passed, and ordered to the House.

Mr. Cunningham, from the Committee on Finance, reported favorably, with amendments, to the House bill :

H. B.346. To fix the rate of taxation upon the shares of the National Banking Association in this State.

Amend by inserting " 75 " in place of " 60," in the second line ; and after the word " association," in the third line, by inserting : "And upon each share of one hundred dollars (or if the shares be of a different amount, in that proportion,) of each and every savings bank."

The caption by inserting after "associations," the words, " and savings banks."

The amendments were adopted, the bill read the third time, under a suspension the constitutional rule, and passed.

Mr. Dereen moved to reconsider the vote by which the bill passed.

On motion of Mr. Hamilton, the motion was tabled.

The bill was ordered to the House.

#### MESSAGE FROM THE GOVERNOR,

By his Recording Secretary.

STATE OF ALABAMA,  
EXECUTIVE DEPARTMENT,  
MONTGOMERY, Feb. 26, 1875.

Gentlemen of the General Assembly :

I respectfully invite your attention to a defect in the existing law, which it seems to me requires amendment.

The fourteenth section of the act known as the funding law authorized tax collectors in a proper case, to allow interest on State obligations paid him for taxes up to the first of October of each year—the law making that the time at which taxes become due—and for the interest thus allowed. The collector, by the provisions of the same law, is to receive a credit is his settlement with the auditor upon his complying with the law in that regard.

These proceedings and allowances are based upon the fact that the tax collector was required to return to the proper Department of the State Government, the State obligations upon which he had allowed interest, and for which he claimed credit—in which case the interest would be canceled by the State Treasurer, and the date at which the obligations were again paid out by the treasurer would be stamped on the face of the obligation. Such, however, is not always the case.

In pursuance of the provisions of the “act to keep in each county a proportionate share of the public school money, the auditor is required to issue his warrant in favor of the county treasurer, requiring the tax collector to pay him the proportion of the State taxes belonging to the school fund, and in receiving under that warrant the State obligations upon which the collector has allowed interest to the tax payer, the county treasurer is not allowed to give the collector the credit for the interest to which he is entitled. I think it is just that the county treasurer should, under proper guards and restrictions, imposed by your honorable bodies, have such authority—a proper account or statement of which should be made by said county treasurer on his books, and a certified copy to be sent to the auditor, and that some proper endorsement or cancellation should be made by the county treasurer in the presence of the probate judge, upon each of the State obligations upon which interest had been thus allowed.

It was not intended by the funding law that the State should pay interest on the obligations, issued in pursuance of its provisions, while they were in the hands of disbursing officers, yet without some additional provisions of law, such will be the case in many instances. The county treasurer, as

I have already stated, receives from the tax collector the school money, and pays it to the county superintendent, where it may and will probably remain for months before paid to teachers, but neither the treasurer or county superintendent having authority to cancel the interest, or otherwise mark or endorse these obligations, they will be paid to teachers, by the county superintendent, with all of the interest seemingly line upon them, and thus the State will have to pay interest upon them, not only for the time they were in the hands of the tax collector, county treasurer and county superintendent, but also pay the interest again which has already been allowed by the tax collector.

In view of these difficulties, I recommend that some officer be designated whose duty it shall be to endorse or stamp all of said obligations in a manner similar to the stamping required of the State Treasurer before paying them out after they come into the treasury, and that a proper account be kept, and a copy furnished the treasurer of the State.

Very respectfully,

GEO. S. HOUSTON,  
Governor of Alabama.

#### MESSAGE FROM THE HOUSE,

By Mr. Garrett—

#### HOUSE OF REPRESENTATIVES, February 26, 1875

Mr. President:

The House has passed the Senate bill—

S.B. 457. To regulate the election of municipal officers in the city of Montgomery.

And has amended, by way of a substitute, and passed the Senate bill—

S. B. 498½. To provide for reducing and funding the debts of the mayor, aldermen and common council of the city of Mobile, and to provide means and security for paying said funded debt.

And has concurred in Senate amendment to the House bill—

H. B. 641. To make it lawful for the sheriff of Crenshaw county to serve all processes and collect executions issued from notary public and justices courts in said county.

And has originated and passed the following bills :

H. B. 582. To authorize the county commissioners of Marengo county to purchase and pay for an iron cell for the

county jail of said county out of any moneys in the treasury thereof.

H. B. 595½. To amend section two thousand eight hundred and four of the Revised Code.

H. B. 394. To amend subdivision three of section 1985 of the Revised Code.

H. B. 329. To protect persons having an interest in personal property as tenants in common or part owners thereof.

H. B. 718. For the relief of the University of Alabama.

H. B. 716. To create a pauper fund for Randolph county.

H. B. 594. To prevent the violation of certain contracts therein named, and to punish the same criminally.

H. B. 303. Relating to bailiffs for the courts of Montgomery county.

H. B. 585. To amend section 3597 of the Revised Code of Alabama.

H. B. 108. To amend section 3613 of the Revised Code of Alabama.

ELLIS PHELAN,  
Clerk.

Mr. Cooper, from the Committee on Temperance, reported favorably to the bill—

S. B. 624. To prevent the sale or otherwise disposing of vinous, or spirituous liquors, within two miles of Elam Church, Montgomery county ;

Which was read the third time, under a suspension of the constitutional rule, and passed.

On motion of Mr. Robinson, the resolution offered yesterday, amending the rules, was taken up.

On motion of Mr. Coleman, the word “ twelve ” was substituted for the word “ two ” in the third line.

The resolution, as amended, was adopted.

Mr. Moore introduced a bill—

S. B. 638. For the relief of John B. Cocke, as administrator of the estate of Woodson Cocke, deceased ;

Which was read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on the Judiciary.

Mr. Cobb, from the Committee on Federal Relations, reported a substitute for the bill—

S. B. 26. To provide for and regulate the taxation of insurance companies doing business in this State.

The caption of the substitute is as follows :

S. B. 26. To regulate the business of fire, inland and marine insurance companies.

The substitute was adopted, the bill read the third time,



under a suspension of the constitutional rule, and passed, and ordered to the House.

The House bill was taken up—

H. B. 57. To establish revenue laws for the State of Alabama.

Mr. Little moved to table the bill ;

Lost—yeas 10, nays 17.

Those who voted in the affirmative are—

Messrs. Carmichael, Cobb, Coleman, Edwards, Haralson, Harris of Lee, Jones, Leftwich, Little and Robinson—10.

Those who voted in the negative are—

Messrs. Black, Cooper, Cunningham, Dereen, Driesbach, Glass, Golson, Grayson, Green, Hamilton, Harris of Russell, Inzer, Martin of Conecuh, Martin of Tuscaloosa, Moore, Royal and Walton—17.

On motion of Mr. Coleman, the bill was made the special order for Monday, 12 o'clock—yeas 15, nays 12.

Those who voted in the affirmative are—

Messrs. Cobb, Coleman, Glass, Golson, Grayson, Hamilton, Haralson, Harris of Lee, Harris of Russell, Inzer, Jones, Leftwich, Little, Martin of Conecuh, and Moore—15.

Those who voted in the negative are—

Messrs. Black, Carmichael, Cooper, Cunningham, Dereen, Driesbach, Edwards, Green, Martin of Tuscaloosa, Robinson, Royal and Walton—12.

#### MESSAGE FROM THE GOVERNOR,

By his Recording Secretary.

STATE OF ALABAMA,  
EXECUTIVE DEPARTMENT,  
Montgomery, Feb. 25, 1875.

Mr. President :

The Governor has approved the following bills which originated in the Senate :

S. B. 552. An act to amend the charter of the town of Decatur, in Morgan county.

S. B. 158. An act to enable aliens to acquire, hold and dispose of property, real and personal, as native citizens.

Very respectfully,

IKE H. VINCENT,

Recording Secretary.

The next special order was taken up, which was the bill—

S. B. 229. To execute the power of disposal of the lands granted by an act of Congress, entitled "An act granting pub-

lic lands in alternate sections to the State of Alabama to aid in the consturction of certain railroads in said State," approved June 2d, 1856 ; which power of disposal is conferred upon the Legislature of Alabama by said act of Congress.

The amendment offered by the committee on yesterday was adopted.

Mr. Golson offered the following amendment :

Add to the last section the words : " Provided, That before any certificates shall be issued to said South & North Alabama Railroad Company, under this act, the said company shall be required to complete their line of railway to the city of Wetumpka, in accordance with the provisions contained in the original charter of said railroad company."

The Senate refused to adopt the amendment. Yeas 10—nays 11.

Those who voted in the affirmative are—

Messrs. Carmichael, Cooper, Dereen, Driesbach, Glass, Golson, Harris o f Russell, Martin of Tuscaloosa, Moore and Robinson—10.

Those who voted in the negative are—

Messrs. Cobb, Coleman, Curtis, Edwards, Grayson, Hamilton, Harris of Lee, Inzer, Little, Martin of Conecuh and Snodgrass—11.

M. Martin of Tuscaloosa offered a substitute for the bill.

On motion of Mr. Cobb, the substitute was tabled. Yeas 20—nays 9.

Those who voted in the affirmative are—

Messrs. Black, Cobb, Coleman, Cunningham, Edwards, Farden, Glass, Golson, Grayson, Hamilton, Haralson, Inzer, Jones, Leftwich, Martin of Conecuh, Robinson, Royal, Snodgrass, Terrell and Walton—20.

Those who voted in the negative are—

Messrs. Carmichael, Cooper, Dereen, Green, Harris of Lee, Harris of Russell, Little, Martin of Tuscaloosa and Moore—9.

Mr. Snodgrass offered the following amendment, which was adopted :

Add at the end of the bill the words : " Provided further, That the lists and awards required to be made to the different railroad companies in this State, under this act, in order to invest the said railroad companies with a title to said lands, shall not be certified to in favor of the Alabama and Chattanooga Railroad Company ; nor shall any other lands to which said railroad company may be entitled under said acts of Congress, be conveyed under this act to said railroad company until the liabilities of the State, for and on account of the said Alabama and Chattanooga Railroad, shall have been fully adjusted."

Mr. Martin of Tuscaloosa offered the following amendment, which was adopted :

Add at the end of the bill the words : " Provided, however, That before the Mobile a Girard Railroad Company shall have any benefit from the provision of this act that company must pay the agent appointed by the Governor of Alabama to select the lands within the fifteen mile limit of that road, under said act of Congress of June 3d, 1856 for his services and relating to the making such selections, a just and reasonable compensation."

Mr. Harris of Lee moved to reconsider the vote by which the amendment offered by Mr. Golson was lost.

On motion of Mr. Cobb, the motion was tabled. Yeas 16—nays 14.

Messrs. Black, Cobb, Coleman, Cunningham, Edwards, Farden, Grayson, Hamilton, Haralson, Inzer, Jones, Leftwich, Little, Martin of Conecuh, Royal and Snodgrass —16.

Those who voted in the negative are —

Messrs. Carmichael, Cooper, Dereen, Glass, Golson, Green, Harris of Lee, Harris of Russell, Martin of Tuscaloosa, Moore, Robinson, Terrell and Walton—13.

#### MESSAGE FROM THE GOVERNOR,

By his Recording Secretary :

EXECUTIVE DEPARTMENT,  
STATE OF ALABAMA,  
MONTGOMERY, Feb.26,1875.

Mr. President :

The Governor has approved the following bills, which originated in the Senate—

S. B. 184. An act to amend section two of an act to establish a new city for the town of Marion, in the county of Perry.

S. B. 449. To amend the charter of the Alabama Insurance Company.

Very respectfully.

IKE H. VINCENT,  
Recording Secretary.

The Senate resumed the consideration of the bill.

Mr. Terrell offered an amendment.

The President decided the amendment out of order, as the subject matter was the same as that contained in the amend-

ment offered by Mr. Golson, which the Senate had twice rejected.

Mr. Terrell appealed from the decision.

The question being put, shall the decision of the chair be sustained, it was decided in the affirmative are —

Those who voted in the affirmative are—

Messrs. Black, Carmichael, Cobb, Coleman, Cooper, Cunningham, Curtis, Dereen, Edwards, Farden, Golson, Grayson, Green, Hamilton, Haralson, Harris of Lee, Harris of Russell, Inzer, Jones, Leftwich, Little, Martin of Conecuh, Martin of Tuscaloosa, Moore, Robinson, Royal, Snodgrass and Walton—28.

Mr. Terrell voted in the negative.

Mr. Carmichael offered the following amendment, which was adopted :

Add to the last section the words : " Provided, That all the provisions of this bill, so far as applicable, shall apply in all respects and for all the purposes of the bill, to the Mobile and Girard Railroad."

The constitutional rule was suspended, the bill read the third time, and passed. Yeas 23—nays 7.

Those who voted in the affirmative are—

Messrs. Black, Cobb, Coleman, Cooper, Cunningham, Curtis, Edwards, Farden, Glass, Golson, Grayson, Green, Hamilton, Haralson, Harris of Russell, Inzer, Jones, Little, Martin of Conecuh, Royal, Snodgrass, Terrell and Walton—23.

Those who voted in the negative are —

Messrs. Carmichael, Dereen, Driesbach, Harris of Lee, Leftwich, Martin of Tuscaloosa and Moore—7.

Mr. Cobb moved to reconsider the vote just taken.

On motion of Mr. Hamilton, the motion was tabled.

The bill was ordered to the House.

The Senate concurred in the House amendment to the Senate bill—

S. B. 150. To establish a new charter for the city of Selma.

On motion of Mr. Walton, at 3 o'clock the Senate adjourned.

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SATURDAY, February 27, 1875.

The Senate met pursuant to adjournment.

Prayer by Rev. J. B. Jones.

Present—

Messrs. Black, Carmichael, Cobb, Coleman, Cooper, Cunningham, Curtis, Dereen, Driesbach, Edwards, Glass, Grayson, Green, Hamilton, Harris of Lee, Harris of Russell, Inzer, Jones, Leftwich, Little, Martin of Conecuh, Martin of Tuscaloosa, Moore, Parks, Royal and Walton—26.

The journal of yesterday was read and approved.

Mr. Parks obtained leave to record his vote against the passage of the bill passed on yesterday (S. B. 229) in favor of the South and North Alabama Railroad Company.

Leave of absence was granted for three days to Messrs. Glass and Snodgrass, and to Mr. Robinson indefinitely.

### CALL OF THE DISTRICTS.

Bills were introduced :

By Mr. Coleman—

S. B. 639. To prescribe the mode in which the assessment of property in this State shall be made.

By Mr. Curtis—

S. B. 653. For the relief of the sheriff of Dallas county ;  
Which were severally read the first and second times, under a suspension of the constitutional rule, and referred to the Finance Committee.

By Mr. Coleman—

S. B. 640. To establish the office of insurance commissioner for the State of Alabama, and to define the duties of the same.

By Mr. Moore—

S. B. 641. To protect the State in the payment of interest on its obligations.

By Mr. Inzer—

S. B. 643. To regulate the removal and appointment of the superintendents of education for the city of Birmingham.

Also—

S. B. 644. To authorize and empower the treasurer of this State to cancel the interest due or to become due on the State obligations issued under and in pursuance of an act of the Legislature of the State of Alabama, approved 19th December, 1873, up to and including the first day of January, 1881.

Also—

S. B. 645. To repeal an act to amend section 3470 of the Revised Code of Alabama, approved 8th December, 1873.

By Mr. Glass—

S. B. 648. To prevent trespasses on premises in the county of Macon ;

Which were severally read the first and second times, under a suspension of the constitutional rule, and referred to the Judiciary Committee.

By Mr. Edwards—

S. B. 642. Joint resolution to pay J. W. Jones for repairs on the roof of Senate chamber.

By Mr. Harris of Lee, with petition—

S. B. 647. To prohibit the sale, barter, or gift of intoxicating liquors within three miles of Gold Hill church, in Lee county.

Mr. Harris of Russell—

S. B. 649. To authorize Mrs. Ruth M. Gillespie, of the State of North Carolina, to administer upon the estate of A. Munroe Gillespie, in Bullock county, Alabama.

By Mr. Golson—

S. B. 650. To amend section one of an act to define the corporate limits of Wetumpka.

By Mr. Curtis—

S. B. 652. To prohibit the sale, giving away, or otherwise disposing of any vinous, spirituous or malt liquors, or intoxicating bitters, or other intoxicating beverages, within two miles of Walker's church, Bellevue precinct, in the county of Dallas.

By Mr. Green—

S. B. 654. To prohibit the sale, giving away, or otherwise disposing of spirituous liquors within three miles of Union church and the public school house, beat 7, Hale county.

Also—

S. B. 655. To prohibit the sale, or giving away of spirituous, vinous or malt liquors, within three miles of Concord Presbyterian church, in Hale county.

Also—

S. B. 656. To prohibit the sale, or giving away, or otherwise disposing of spirituous, vinous or malt liquors within four miles of the Episcopal church at Macon, Hale county.

By Mr. Parks, with petition—

S. B. 657. To prohibit the sale, or giving away, or otherwise disposing of spirituous, vinous or malt liquors within two miles of Mount Pleasant church, in Crenshaw county.

By Mr. Carmichael—

S. B. 658. To amend section 4167 of the Revised Code ;  
Which were severally read the first, second and third times, under a suspension of the constitutional rule, and passed.

Senate bills, 649 and 650, were ordered forthwith to the House.

Which were severally read the first and second times, under a suspension of the constitutional rule, and referred to the Judiciary Committee.

By Mr. Edwards—

S. B. 642. Joint resolution to pay J. W. Jones for repairs on the roof of Senate chamber.

By Mr. Harris of Lee, with petition—

S. B. 647. To prohibit the sale, barter, or gift of intoxicating liquors within three miles of Gold Hill church, in Lee county.

Mr. Harris of Russell—

S. B. 649. To authorize Mrs. Ruth M. Gillespie, of the State of North Carolina, to administer upon the estate of A. Munroe Gillespie, in Bullock county, Alabama.

By Mr. Golson—

S. B. 650. To amend section one of an act to define the corporate limits of Wetumpka.

By Mr. Curtis—

S. B. 652. To prohibit the sale, giving away, or otherwise disposing of any vinous, spirituous or malt liquors, or intoxicating bitters, or other intoxicating beverages, within two miles of Walker's church, Bellevue precinct, in the county of Dallas.

By Mr. Green—

S. B. 654. To prohibit the sale, giving away, or otherwise disposing of spirituous liquors within three miles of Union church and the public school house, beat 7, Hale county.

Also—

S. B. 655. To prohibit the sale, or giving away of spirituous, vinous or malt liquors, within three miles of Concord Presbyterian church, in Hale county.

Also—

S. B. 656. To prohibit the sale, or giving away, or otherwise disposing of spirituous, vinous or malt liquors within four miles of the Episcopal church at Macon, Hale county.

By Mr. Parks, with petition—

S. B. 657. To prohibit the sale, or giving away, or otherwise disposing of spirituous, vinous or malt liquors within two miles of Mount Pleasant church, in Crenshaw county.

By Mr. Carmichael—

S. B. 658. To amend section 4167 of the Revised Code ;  
Which were severally read the first, second and third times, under a suspension of the constitutional rule, and passed.

Senate bills, 649 and 650, were ordered forthwith to the House.

S. B. 632. Authorizing the Judge of the circuit court of Dallas county to adopt rules of practice and to allow temporary adjournment of said circuit court.

S. B. 549. To amend section 3490 of the Revised Code.

S. B. 71. To aid in the substitution of lost records.

S. B. 413. To amend section 2704 of the Revised Code.

S. B. 464. In relation to estates of minors who reside with their parents in other States.

S. B. 584. To give incorporated towns the power to limit the running of railroad trains and engines to a speed not exceeding six miles per hour, while running through their corporate limits.

S. B. 606. For the relief of Jesse J. Woodall, tax collector of Morgan county.

S. B. 83. To provide for the administration of the criminal laws, by the suspension of solicitors and the appointment of solicitors pro tempore when necessary.

S. B. 255. To provide for the payment of the first battalion of Alabama volunteer militia, while in actual service under the orders of the late Governor of this State.

And has amended, as therein shown, and passed Senate bill—

S. B. 117. To provide for taking the census of the State of Alabama for the year 1875.

And has originated and passed the following bills—

H. B. 30. To declare a lien in favor of laborers, mechanics and employees, and to provide for the enforcement thereof.

H. B. 326. To incorporate the town of Town Creek, in the county of Lawrence, Alabama.

H. B. 719. To prohibit the sale, or giving away of spirituous, vinous or intoxicating liquors within two miles of the Methodist Episcopal Church, South, in the town of Citronelle, Alabama.

ELLIS PHELAN,  
Clerk.

On motion of Mr. Cooper, the vote by which the bill—

S. B. 624. To prevent the sale or otherwise disposing of vinous or spirituous liquors within two miles of New Elam church, Montgomery county,

Was passed, was reconsidered.

Also, the vote by which it was ordered to a third reading.

On motion of Mr. Cooper, the word “ five ” was substituted for the word “ two.”



The bill was read the third time, under a suspension of the constitutional rule, and passed, and ordered to the House.

The caption was amended by striking out “ two” and inserting “ five.”

Mr. Terrell, from the select committee, reported a substitute for the bill—

S. B. 686. To further amend an act entitled An act to incorporate the South & North Railroad Company, approved August 5, 1868.

On motion of Mr. Coleman, the farther consideration of the bill and substitute was postponed till Monday, 12 o'clock, m.

The Senate concurred in the House amendments to Senate bill—

S. B. 498. For reducing and funding the debts of the mayor, aldermen and common council of the city of Mobile, and to provide means and security for paying said funded debt.

The Senate concurred in the House amendments to the Senate bill—

S. B. 117. To provide for the taking the census of the State of Alabama for the year 1875.

Mr. Parks, from the committee on Municipal and County Organizations, reported favorably to the House bill—

H. B. 363. To repeal an act entitled, an act to incorporate Union Town, in Perry county, Alabama, approved March 3, 1870 ;

Which was read the third time, under a suspension of the constitutional rule, and passed.

Mr. Coleman offered the following preamble and resolution :

Whereas, section 20, article 4 of the constitution of Alabama, declares that no person who holds any lucrative office under the United States, or under this State, or any other State government, shall be eligible to the General Assembly, and

Whereas, J. A. Farden, who now claims to be Senator from the 19th Senatorial District, is said to hold the office of United States Commissioner, therefore,

Resolved, That a committee of three from the Senate be appointed to examine in to the facts connected with the alleged holding of two offices by the said J. A. Farden, and report to the Senate the result of the investigation, and recommend what action the Senate shall take in the case.

The resolution was referred to the Judiciary Committee.

Mr. Dereen offered the following preamble and resolution :

Whereas, the people of Alabama require at the hands of her representatives an economical administration of her affairs, and

Whereas, in the opinion of many, the General Assembly has been in session a long time, without giving an adequate return to the State for the expenses incurred, and that it would be a great saving to the people to adjourn sine die, therefore,

Be it resolved by the Senate of Alabama, the House of Representatives concurring. That the General Assembly of Alabama adjourn sine die on Thursday, March 4, 1875, at four o'clock, p. m.

On motion of Mr. Carmichael, the preamble was stricken out.

Mr. Grayson moved to table the resolution.

Lost.

It was referred to the Committee on Privileges and Elections.

Mr. Parks offered the following resolution :

For the expulsion of the Senator from the 14th Senatorial district of Alabama :

Which was read and referred to the Committee on Privileges and Elections.

Mr. Parks offered the following resolution, which lies over one day under the rules :

Resolved, That after Monday, the first of March next, the Senate will proceed to the consideration of all favorable reports in the hands of the committees, and that such business shall have priority over all other matters, until the same is disposed of.

On motion of Mr. Carmichael, the House bill—

H. B. 422. To allow pilots the same pay for carrying a vessel out that they are for bringing one in,

Was taken from the table, and referred to the Committee on Federal Relations.

Mr. Martin of Tuscaloosa, from the Committee on Local Legislation, at the request of Mr. Jones, returned the bill—

S. B. 407. To compel the tax collector of Lowndes county to receive certain claims against said county of Lowndes, in payment of taxes due said county ;

Which was read the third time, under a suspension of the constitutional rule, and passed.

Mr. Cobb, from the Committee on Federal Relations, reported favorably to the House—

H. B. 1. Joint memorial to the Congress of the United States, asking grants of lands in Walker county,

Which was adopted.

Mr. Hamilton, from the Committee on Federal Relations, to which was referred the Governor's message in relation to the cession to the United States jurisdiction over the National Military Cemetery at Mobile, reported the following bill and recommended its passage :

S. B. 660. To cede to the United States jurisdiction over the National Military Cemetery at Mobile.

The bill was read the first, second and third times, under a suspension of the constitutional rule, and passed.

Mr. Martin of Tuscaloosa, from the Committee on Local Legislation, reported a substitute for the bill—

S. B. 297. To abolish the court of county commissioners of Montgomery county, and transfer its jurisdiction to other tribunals.

On motion of Mr. Terrell, it was postponed and made the special order for Monday, 12 o'clock, m.

Also, favorably with amendments to the bill—

S. B. 299. To establish a board of revenue for Montgomery county.

On motion of Mr. Martin of Tuscaloosa, it was postponed and made the special order for Monday, 12 o'clock, m.

Mr. Carmichael from the committee on Internal Improvements, reported favorably to the House bill—

H. B. 407. To authorize G. G. Gravlee to erect a mill dam across the Warrior river ;

Which was read the third time, under a suspension of the constitutional rule, and passed.

Mr. Martin of Conecuh, from the select committee, reported favorably to the House bill—

H. B. 10 . To repeal an act entitled an act for the protection of game in Lawrence county, Alabama, approved March 28, 1873 ;

Which was read the third time, under a suspension of the constitutional rule and passed.

Mr. Farden, from the select committee, reported favorably to the House bill—

H. B. 276. For the relief of J. D. B. McDuffie, late tax collector of Montgomery county.

On motion of Mr. Little, it was postponed and made the special order for Monday, 12 o'clock, m.

Mr. Parks, from the Committee on Municipal and County Organizations, reported favorably to the House bill—

H. B. 352. To incorporate the town of Hartsell, in the county of Morgan ;

Which was read the third time, under a suspension of the constitutional rule, and passed.

Mr. Cunningham, from the Committee on Finance, reported favorably to the bill—

S. B. 639. To prescribe the mode in which the assessment of property in this State shall be made.

On motion of Mr. Little, it was postponed and made the special order for Monday, 12 o'clock, m.

Also, favorably to the bill—

S. B. 560. To authorize the court of county commissioners of Choctaw county to issue bonds ;

Which was read the third time, under a suspension of the constitutional rule, and passed.

Also, favorably with an amendment to the bill—

S. B. 333. For the relief of Goldthwaite, Rice & Semple.

Amend by substituting the following for sections one and two of the bill—

“Sec. 1. Be it enacted by the General Assembly of Alabama, That the auditor be authorized to draw his warrant on the treasurer for the sum of seven hundred and fifty dollars in favor of Goldthwaite, Rice & Semple.”

Pending the consideration of the amendment, the Senate, on motion of Mr. Inzer, at half-past 2 o'clock adjourned.

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MONDAY, March 1, 1875.

The Senate met pursuant to adjournment.

Prayer by Rev. Dr. Petrie.

Present—

Messrs. Black, Carmichael, Coleman, Cooper, Cunningham, Curtis, Dereen, Driesbach, Edwards, Farden, Golson, Harris of Russell, Leftwich, Little, Martin of Tuscaloosa, Moore, Parks and Snodgrass—18.

The journal of Saturday was read and approved.

Indefinite leave of absence was granted Mr. Martin of Conecuh, on account of sickness, and to Mr. Inzer for three days.

#### CALL OF THE DISTRICTS.

Bills were introduced.

By Mr. Edwards—

S. B. 661. To punish the crime of perjury at municipal elections.

By Mr. Terrell—

S. B. 663. To prohibit the sale or giving away of spirit-

uous, vinous or malt liquors, within five miles of Ebenezer Baptist Church, in the county of Macon.

By Mr. Hamilton—

S. B. 667. For the protection of savings banks and associations in the payment of moneys deposited by minors and married women ;

Also,

S. B. 668. To fix the pay of jurors in the county of Mobile ;

Which were severally read the first, second and third times, under a suspension of the constitutional rule, and passed.

Senate bill 66 was ordered forthwith to the House.

By Mr. Terrell—

S. B. 662. To regulate the sale of spirituous, vinous, or malt liquors, within two miles of any church in this State, on days of public worship or religious services at such church or churches, incorporated cities and towns excepted ;

Which was read the first and second times, under a suspension of the constitutional rule.

Mr. Cooper moved to add the words, “containing one thousand or more inhabitants” after the word “towns” at the end of the second line, section three.

The bill and amendment were referred to the Judiciary Committee.

By Mr. Golson.

S. B. 661. To compel penitentiary convicts to work on public roads ;

Which was read the first and second times, under a suspension of the constitutional rule, and referred to a select committee, composed of Messrs. Golson, Cooper and Little.

By Mr. Farden—

S. B. 665. To create a lien in favor of mechanics and laborers in Alabama.

By Mr. Little—

S. B. 666. To require common carriers, in this State, to provide second class accommodations.

By Mr. Hamilton—

S. B. 669. To repeal section five of an act to regulate property exempt from sale for the payment of debt, approved April 23, 1873 ;

Which were severally read the first and second times, under a suspension of the constitutional rule, and referred to the Judiciary Committee.

By Mr. Hamilton, with petition—

S. B. 670. To equalize and fix the rates of licenses for retailing in the city of Mobile ;

Which was read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Finance.

By Mr. Green—

S. B. 671. To prohibit the working of any female on any public roads, highways and canals in Marengo county ;

Which was read the first and second times, under a suspension of the constitutional rule.

On motion of Mr. Curtis, the words “ Marengo county” were struck out, and the words “this State” inserted.

The caption was amended to correspond, the bill was read the third time, under a suspension of the constitutional rule, and passed, and ordered to the House.

The hour of twelve o'clock having arrived, the Senate proceeded to the consideration of the

#### SPECIAL ORDERS,

The House bill—

H. B. 57. To establish revenue laws for the State of Alabama ;

Was, on motion of Mr. Cooper, postponed for one hour.

#### MESSAGE FROM THE HOUSE,

By Mr. Martin :

HOUSE OF REPRESENTATIVES,  
March 1,1875.

Mr. President :

The House has amended, by way of a substitute, and, as amended, passed Senate bill—

S. B. 576. To amend section 3853 of the Revised Code of Alabama.

ELLIS PHELAN,  
Clerk.

The House amendment to the Senate bill—

S. B. 576. To amend section 3853 of the Revised Code of Alabama,

Was concurred in, and the House notified of the concurrence.

The caption was amended to read as follows :

S. B. 576. To amend section six of an act to amend certain sections of the Revised Code, viz : Sections 3833, 3834, 3836, 3837, 3839, 3853, 3855 and 3856, article 2, chapter 5, title 2, part 4, approved February 26,1874.

The next special order was taken up, which was the bill—  
S. B. 586. To amend an act to further amend an act to  
incorporate the South and North Railroad Company, ap-  
proved February 17, 1854, approved August , 1868.

Mr. Little moved to postpone till to-morrow, 12 o'clock.

On motion of Mr. Terrell, the motion was tabled—yeas 13,  
nays 9.

Those who voted in the affirmative are—

Messrs. Carmichael, Cooper, Cunningham, Dereen, Dries-  
bach, Golson, Green, Hamilton, Haralson, Harris of Russell,  
Martin of Tuscaloosa, Moore and Terrell— 13.

Those who voted in the negative are —

Messrs. Coleman, Edwards, Farden, Grayson, Leftwich,  
Little, Parks, Snodgrass and Walton — 9.

The substitute reported by the committee was adopted.

Mr. Coleman moved to strike out "twenty-three" and insert  
" twenty-five" in the last line of section one.

On motion of Mr. Coleman the bill and amendment were  
postponed and made the special order for to-morrow, imme-  
diately after the reading of the journal.

The next special order was taken up, which was the bill and  
substitute—

S. B. 297. To abolish the court of county commissioners  
of Montgomery county, and transfer its jurisdiction to other  
tribunals.

The caption of the substitute is—

S. B. 297. To regulate the sessions and fix the compensa-  
tion of the court of county commissioners for Montgomery  
county.

Mr. Farden moved to postpone the further consideration  
till to-morrow.

On motion of Mr. Martin of Tuscaloosa, the motion was  
tabled.

The substitute was adopted.

Mr. Pardon moved to strike out the word "one" and insert  
"two" in the last line of section one ;

Lost.

On motion of Mr. Farden, the words "two dollars" were  
struck out, and the words "three dollars" inserted.

The constitutional rule was suspended, the bill read the  
third time, passed, and ordered to the House.

#### MESSAGE FROM THE HOUSE,

By Mr. Garrett :

HOUSE OF REPRESENTATIVES,  
March 1, 1875.

Mr. President:

The House has originated and passed the following bill :  
H. B. 24. To amend an act entitled an act to protect owners of stock on the line of railroads in this State, approved April 23, 1873.

And has adopted the Senate joint resolution—  
Investigations the right of Hon. Geo. E. Spencer to a seat in the United States Senate.

ELLIS PHELAN,  
Clerk.

ENROLLED BILLS.

Mr. Dereen, from the Committee on Enrolled Bills, reported the following acts as correctly enrolled :

S. B. 47. An act to regulate the election of municipal officers in the city of Montgomery.

S. B. 606. An act for the relief of Jesse J. Woodall, tax collector of Morgan county.

S. B. 171. An act to aid in the substitution of lost records.

S. B. 117. An act to provide for taking the census of the State of Alabama for the year 1875.

The Senate resumed the consideration of the House bill—

H. B. 57. To establish revenue laws for the State of Alabama.

The amendments, reported by the committee, were adopted.

Mr. Terrell moved to postpone the further consideration of the bill till to-morrow 12 o'clock ;

Lost—yeas 9, nays 13.

Those who voted in the affirmative are—

Messrs. Dereen, Golson, Grayson, Haralson, Leftwich, Little, Martin of Tuscaloosa, Moore and Terrell —9.

Those who vetoed in the negative are---

Messrs. Black, Carmichael, Coleman, Cooper, Cunningham, Driesbach, Edwards, Farden, Hamilton, Harris of Russell, Parks, Snodgrass, and Walton-13.

Mr. Little offered the following preamble and resolution :

Whereas, The passage of a revenue bill, at this session of the General Assembly, will not affect the assessments of taxes for this year ; and, whereas, a joint committee, has been appointed by the two houses of the General Assembly for the purpose of preparing a general revenue bill, to be reported to the next session of the General Assembly ; therefore,



Resolved by the Senate, That it is inexpedient to pass a general revenue bill at this session of the General Assembly.

On motion of Mr. Cooper, the preamble and resolution were tabled—yeas 17, nays 6.

Those who voted in the affirmative are—

Messrs. Black, Carmichael, Coleman, Cooper, Cunningham, Driesbach, Farden, Golson, Green, Hamilton, Harris of Russell, Martin of Tuscaloosa, Moore, Parks, Snodgrass, Terrell and Walton—17.

Those who voted in the negative are—

Messrs. Dereen, Edwards, Grayson, Haralson, Leftwich, and Little—6.

The first section was adopted.

Pending the consideration of the bill, the Senate adjourned, at two o'clock.

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TUESDAY, March 2, 1875.

The Senate met pursuant to adjournment.

Prayer by Rev. C. B. St. John,

Present—

Messrs. Black, Carmichael, Cobb, Coleman, Cunningham, Curtis, Dereen, Driesbach, Edwards, Grayson, Green, Hamilton, Haralson, Harris of Lee, Harris of Russell, Leftwich, Martin of Tuscaloosa, Moore, Parks, Royal, Snodgrass, Terrell and Walton—23.

The journal of yesterday was read and approved.

Indefinite leave of absence was granted to Mr. Inzer on account of sickness.

The Senate took up the bill—

S. B. 586. To amend an act to further amend an act to incorporate the South and North Alabama Railroad Company, approved February 17, 1854, approved August 5, 1868.

The amendment offered by Mr. Coleman was adopted, the constitutional rule suspended, the bill read the third time and passed, and ordered to the House.

Mr. Parks moved to suspend the order of business to consider the resolution offered by himself on Saturday, relative to the order of business ;

Lost.

On motion of Mr. Carmichael, the bill—

S. B. 461. To provide for the payment of such person or persons as may establish their right to compensation for ser-

vices about selecting and securing title to the State of swamp and overflowed lands, and to permit the further prosecution of the suit now pending for that purpose under a special act of the General Assembly ;

Was postponed and made the special order for 11 o'clock to-morrow.

MESSAGE FROM THE HOUSE,

By Mr. Garrett :

HOUSE OF REPRESENTATIVES,  
March 2, 1875.

Mr. President :

The House has amended, as therein shown, and passed the Senate bill—

S. B. 381. To regulate elections in the State of Alabama.

And has originated and passed bills—

H. B. 653. To authorize and require grand juries of the different counties of this State to return all indictments for misdemeanors to the county courts, and to direct the disposition and trial thereof.

H B 720. To prohibit the sale or other disposition of intoxicating liquors within five miles of Perdido Union Church, near the line between the counties of Baldwin and Escambia.

ELLIS PHELAN,  
Clerk.

MESSAGE FROM THE GOVERNOR,

By his Acting Private Secretary :

STATE OF ALABAMA,  
EXECUTIVE DEPARTMENT,  
MONTGOMERY, March , 1875.

Mr. President :

The Governor has approved the following bills which originated in the Senate:

S. B. 606. An act for the relief of James J. Woodall, tax collector of Morgan county.

S. B. 117. An act to provide for taking the census of the State of Alabama for the year 1875.

S. B. 171. An act to aid in the substitution of lost records

S. B. 457. An act to regulate the election of municipal officers in the city of Montgomery.

Very respectfully,

T. CLANTON,  
Acting Secretary.

## ENROLLED BILLS.

Mr. Grayson, from the Committee on Enrolled Bills, reported the following correctly enrolled :

S. B. 576. An act to amend section 3853 of the Revised Code.

S. B. 83. An act to provide for the administration of the criminal law by the suspension of solicitors and the appointment of solicitors pro tempore, when necessary.

S. B. 255. An act to provide for the payment of the First Battallion of Alabama volunteer militia, while in actual service under the orders of the late Governor of the State.

S. B. 581. An act to give incorporated towns the power to limit the running of railroad trains and engines to a rate of speed not exceeding six miles per hour while running through their corporate limits.

S. B. 632. An act authorizing the judge of the circuit court of Dallas county to adopt rules of practice, and allow temporary adjournment of said court.

S. B. 549. An act to amend section 3190 of the Revised Code.

Mr. Dereen, from the same committee, reported as correctly enrolled, the following bills :

S. B. 413. An act to amend section 2704 of the Revised Code.

S. B. 464. An act in relation to estates of minors who reside with their parents in other States.

## MESSAGE FROM THE HOUSE,

By. Mr. Whitman :

HOUSE OF REPRESENTATIVES,  
March 2, 1875.

Mr. President :

The House has amended, as therein shown, and passed Senate bill—

S. B. 612. To authorize the Board of Directors of the Huntsville Agricultural and Mechanical Association to rent the booths, stalls and grounds, of the association, for certain purposes.

The House has originated, passed, and ordered forthwith. to the Senate, the bill—

H. B. 660. To refund to Josiah Morris & Co., money advanced by them to M. G. Moore, late commissioner to settle claims of the penitentiary, and used to meet current expenses.

ELLIS PHELAN,  
Clerk.

On motion of Mr. Carmichael, the call of the districts was suspended to consider

#### HOUSE MESSAGES.

The Senate concurred in the House amendments to the Senate bills—

S. B. 372. To incorporate the town of Cullman, in Blount county.

S. B. 612. To authorize the board of directors of the Huntsville Agricultural and Mechanical Association to rent the booths, stalls and grounds of the association for certain purposes.

The caption of the last bill (S. B. 612), was amended by inserting after the word "association," the words : "And the Agricultural and Mechanical Association of Wilcox county."

The Senate proceeded to the consideration of the House amendments to the Senate bill—

S. B. 381. To regulate elections in the State of Alabama.

Mr. Haralson moved to refer the bill and amendments to the Committee on Privileges and Elections.

On motion of Mr. Martin of Tuscaloosa, the motion was tabled. Yeas 15—nays 8.

Those who voted in the affirmative are—

Messrs. Carmichael, Cobb, Coleman, Cunningham, Driesbach, Edwards, Grayson, Green, Hamilton, Harris of Lee, Martin of Tuscaloosa, Moore, Parks, Terrell and Walton—15.

Those who voted in the negative are—

Messrs. Black, Curtis, Dereen, Farden, Golson, Harris of Russell and Leftwich—8.

The hour of twelve o'clock having arrived—

On motion of Mr. Carmichael, the special orders were postponed for one hour, to continue the consideration of the bill before the Senate.

The House amendments were concurred in. Yeas 16—nays 10.

Those who voted in the affirmative are—

Messrs. Carmichael, Cobb, Coleman, Cooper, Cunningham, Driesbach, Edwards, Grayson, Hamilton, Harris of Lee, Martin of Tuscaloosa, Moore, Parks, Snodgrass, Terrell and Walton—16.

Those who voted in the negative are—

Messrs. Black, Curtis, Dereen, Farden, Golson, Green, Haralson, Harris of Russell, Leftwich and Royal—10.

Mr. Martin moved to reconsider the vote concurring in the amendments.

On motion of Mr. Hamilton, the motion was tabled.  
The House was notified forthwith of the concurrence.

MESSAGE FROM THE GOVERNOR,

By his Acting Private Secretary :

STATE OF ALABAMA,  
EXECUTIVE DEPARTMENT,  
MONTGOMERY, March 2d, 1875.

Mr. President :

I am instructed by the Governor to communicate to the Senate a message in writing.

T. CLANTON,  
Acting Secretary.

On motion of Mr. Dereen, the Senate went into executive session.

The business of the executive session having been completed,

The Senate resumed the consideration of House messages.

The House bills—

H. B. 707. To incorporate the town of Elba in Coffee county.

H. B. 708. To incorporate the town of Midway, in Bullock county.

H. B. 714. To authorize and empower the commissioners' court of Walker county to make a certain appropriation.

H. B. 716. To create a pauper fund for Randolph county.

H. B. 618. For the relief of the University of Alabama.

H. B. 719. To prohibit the sale or giving away of spirituous, vinous or intoxicating liquors within two miles of the Methodist Episcopal Church South, in the town of Citronelle, Alabama.

H. B. 326. To incorporate the town of Town Creek, in the county of Lawrence, Alabama.

H. B. 582. To authorize the county commissioners of Marengo county to purchase and pay for an iron cell for the county jail of said county out of any moneys in the treasury thereof ;

Were severally read the first, second and third times, under a suspension of the constitutional rule, and passed.

The House bill—

H. B. 24. To amend an act to protect owners of stock on the line of railroads in this State, approved April 23, 1873 ;

Was read the first and second times, under a suspen-

sion of the constitutional rule, and referred to the Committee on Local Legislation.

The House bill—

H. B. 303. Relating to bailiffs for the courts of Montgomery county ;

Was read the first and second times, under a suspension of the constitutional rule.

On motion of Mr. Farden, it was amended by allowing six bailiffs during criminal weeks, and three during trial of civil causes.

The constitutional rule was further suspended, the bill read the third time, and passed.

The House bills—

H. B. 585. To amend section 3597 of the Revised Code.

H. B. 108. To amend section 3613 of the Revised Code.

H. B. 30. To decline a lien in favor of laborers, mechanics and employees, and to provide for the enforcement thereof.

H. B. 329. To protect persons having an interest in personal property as tenants in common, or part owners thereof.

H. B. 394. To amend subdivision three of section 1935 of the Revised Code.

H. B. 594. To prevent the violation of certain contracts therein names, and to punish the same criminally.

H. B. 593½ . To amend section 2804 of the Revised Code ;

Were severally read the first, second and third times, under a suspension of the constitutional rule, and referred to the Judiciary Committee.

The Senate proceeded to the consideration of the House bill—

H. B. 57. To establish revenue laws for the State of Alabama.

Mr. Terrell moved to strike out the twelfth subdivision of section two.

On motion of Mr. Carmichael, the motion was tabled.

Yeas 18, nays 7.

Those who voted in the affirmative are —

Messrs. Black, Carmichael, Cobb, Coleman, Cooper, Cunningham, Dereen, Driesbach, Edwards, Farden, Golson, Grayson, Hamilton, Harris, of Lee, Harris of Russell, Moore, Parks and Walton—18.

Those who voted in the negative are—

Messrs. Curtis, Green, Haralson, Leftwich, Martin of Tuscaloosa, Royal and Terrell — 7.

Mr. Parks moved to amend the twelfth subdivision of section-two by striking out the word " five " at the end of the first line, and inserting the word " three."

Mr. Terrell moved to amend the amendment by striking out the word "three" and inserting "two."

On motion of Mr. Moore, the amendment to the amendment was tabled.

On motion of Mr. Moore, the amendment was then tabled.

Yeas 16, nays 10.

Those who voted in the affirmative are—

Messrs. Black, Carmichael, Cobb, Coleman, Cooper, Cunningham, Dereen, Edwards, Farden, Golson, Grayson, Green, Hamilton, Harris of Lee, Moore and Royal—16.

Those who voted in the negative are—

Messrs. Curtis, Dereen, Haralson, Harris of Russell, Leftwich, Martin of Tuscaloosa, Parks, Snodgrass, Terrell and Walton—10.

Mr. Grayson moved to insert the word "personal" in the first line of subdivision twelve, section two, after the word "such."

On motion of Mr. Walton, the amendment was tabled.

Yeas 18, nays ft.

Those who voted in the affirmative are—

Messrs. Carmichael, Cobb, Coleman, Cooper, Curtis, Driesbach, Edwards, Farden, Golson, Haralson, Harris of Lee, Harris of Russell, Leftwich, Martin of Tuscaloosa, Moore, Parks, Terrell and Walton—18.

Those who voted in the negative are—

Messrs. Black, Cunningham, Dereen, Grayson, Green, Hamilton, Royal and Snodgrass—8.

Mr. Haralson moved to strike out subdivision fifteen, of section two.

On motion of Mr. Parks, the amendment was tabled.

Mr. Edwards moved to strike out all after the word "erection" in the last line of subdivision fifteen, section two.

Mr. Golson moved to lay the amendment on the table.

Lost. Yeas 6, nays 16.

Those who voted in the affirmative are—

Messrs. Cobb, Cunningham, Golson, Grayson, Hamilton, and Walton—6.

Those who voted in the negative are—

Messrs. Carmichael, Coleman, Cooper, Curtis, Driesbach, Edwards, Farden, Green, Haralson, Harris of Lee, Harris of Russell, Martin of Tuscaloosa, Moore, Parks, Snodgrass and Terrell—16.

Mr. Hamilton offered a substitute for the amendment by adding to subdivision fifteen of section two, the words "and also the improved value of all farms created by opening lands now uncultivated for cultivation, for the same term of years."

Mr. Harris of Lee, moved to indefinitely postpone the bill and amendments.

Pending the consideration of the motion—

On motion of Mr. Coleman, at half-past 3 o'clock the Senate adjourned.

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WEDNESDAY, March 3, 1875.

The Senate met pursuant to adjournment.

Prayer by Rev. Mr. Andrews.

Present—

Messrs. Carmichael, Cobb, Coleman, Cunningham, Curtis, Dereen, Driesbach, Golson, Grayson, Hamilton, Harris of Lee, Harris of Russell, Jones, Leftwich, Little, Martin of Tuscaloosa, Moore, Parks, Royal, Snodgrass and Walton—22.

The journal of yesterday was read and approved.

Mr. Coleman introduced a bill—

S. B. 672. To repeal an act for the encouragement of mining, manufacturing, industrial, mechanical and commercial pursuits within the State of Alabama, approved April 23, 1873 ;

Which was read the first and second times, under a suspension of the constitutional rule.

On motion of Mr. Grayson, it was postponed and made the special order for 11 o'clock to-morrow.

On motion of Mr. Cobb, the bill—

S. B. 461. To provide for the payment of such person or persons as may establish their right to compensation for services about selecting and securing title to the State of swamp and overflowed lands, and to permit the further prosecution of the suit now pending for that purpose, under a special act of the General Assembly,

Was postponed and made the special order for Saturday, 11 o'clock.

Mr. Martin of Tuscaloosa, introduced a bill—

S. B. 673. To regulate trials in county courts within this State;

Which was read the first and second times, under a suspension of the constitutional rule, and referred to a select committee composed of Messrs. Martin of Tuscaloosa, Coleman, Grayson and Carmichael, with instructions to report immediately after the reading of the journal to-morrow.

On motion of Mr. Grayson, the votes by which the Senate passed, ordered to a third reading and adopted the amendment to the House bill—



H. B. 303. Relating to bailiffs for the courts of Montgomery county,

Were severally reconsidered.

On motion of Mr. Carmichael, the amendment was tabled.

Mr. Farden moved to amend by striking out " three" and inserting "four."

Lost.

The constitutional rule was suspended, the bill read the third time and passed, and ordered to the House.

#### MESSAGE FROM THE HOUSE,

By Mr. Whitman—

#### HOUSE OF REPRESENTATIVES, March 3, 1875.

Mr. President:

The House has passed the following Senate bills :

S. B. 649. To authorize Mrs. Bath M. Gillespie, of the State of North Carolina, to administer upon the estate of A. Munroe Gillespie, in Bullock county.

S. B. 619. To fix the time of holding the circuit courts in the eighth judicial circuit.

S. B. 637. To prescribe the time of holding and the terms of the supreme court.

S. B. 661. To punish the crime of perjury at municipal elections.

S. B. 595. To compensate the commissioners to codify the laws of Alabama.

S. B. 625. To authorize the courts of county commissioners of this State to provide field notes of the original surveys of all the lands in their respective counties.

S. B. 657. To prohibit the sale, or giving away of spirituous, vinous or malt liquors within two miles of Mount Pleasant church, in Crenshaw county.

S. B. 658. To amend section 4167 of the Revised Code.

S. B. 560. To authorize the court of county commissioners of Choctaw county to issue bonds.

S. B. 652. To prohibit the sale, giving away or otherwise disposing of vinous, spirituous or malt liquors, or intoxicating bitters, or other intoxicating beverages, within two miles of Walker church, Bellevue precinct, in the county of Dallas.

S. B. 647. To prohibit the sale, barter, or gift of intoxicating liquors within, three miles of Gold Hill church, in Lee county.

S. B. 656. To prohibit the sale, or giving away, or other-

wise disposing of spirituous, vinous or malt liquors within four miles of the Episcopal church at Macon, Hale county.

S. B. 655. To prohibit the sale or giving away of spirituous, vinous, or malt liquors, within three miles of Concord Presbyterian Church, in Hale county.

S. B. 654. To prohibit the sale, giving away, or otherwise disposing of spirituous or vinous liquors within three miles of Union Church, and the public school house in beat 7, Hale county..

S. B. 611. To authorize the probate judge of Blount county to take jurisdiction of the estate of Stephen Garrett, deceased, late of Etowah county.

S. B. 407. To compel the tax collector of Lowndes county to receive certain claims against said county of Lowndes in payment of taxes due said county.

S. B. 430. To authorize the mayor and aldermen of the town of Gadsden to lay off the limits of said town into five wards, define the number and mode of election of officers, their powers and duties, with authority to increase or diminish the corporate limits of said town by a majority vote of the legally authorized voters of said town and for other purposes in said act mentioned.

8. B. 660. To cede to the United States jurisdiction over the National Military Cemetery at Mobile.

8. B. 43. To provide for the trial of items of fact without a jury in certain cases.

S. B. 46. To define and limit the power of judges and other magistrates over fines assessed by juries in criminal cases.

S. B. 391. To amend section 3439 of the Revised Code.

ELLIS PHELAN,  
Clerk.

#### MESSAGE FROM THE GOVERNOR,

By his Acting Private Secretary :

EXECUTIVE DEPARTMENT,  
STATE OF ALABAMA,  
MONTGOMERY, March 3, 1875.

Mr. President :

The Governor has approved Senate bills of the following captions:

255. To provide for payment of first battallion Alabama volunteers, under orders of late Governor.

649. To amend section 3490 of Revised Code.

83. To provide for the administration of the criminal law by suspension of solicitors and appointment of solicitors pro tem., when necessary.

632. Authorizing circuit judge of Dallas to adopt rules of practice and allow temporary adjournment of said court.

464. In relation to minors who reside in other States.

413. To amend section 2704 of the Revised Code.

584. To give incorporated towns the power to limit running of railroad trains and engines at a rate of speed not exceeding six miles per hour while running through their corporate limits.

117. To provide for taking census in this State for year 1875.

T. CLANTON,  
Acting Secretary.

Bills were introduced—

By Mr. Little—

S. B. 674. To authorize the publication of the laws of a general character, passed at the present session of the General Assembly;

Which was read the first and second times, under a suspension of the constitutional rule, and referred to the Committee of Judiciary.

By Mr. Carmichael—

S. B. 675, To prohibit the sale or giving away of spirituous liquors within three miles of B. J. Wood's copper mine, at Stone Hill, on line of Randolph and Cleburne counties;

Also,

S. B. 676. For the relief of the county of Macon.

By Mr. Cooper—

S. B. 677. To require druggist to take out license if they sell vinous, spirituous or other intoxicating liquors;

Which were severally read the first, second and third times, under a suspension of the constitutional rule, and passed.

The hour of twelve o'clock having arrived, the Senate proceeded to the consideration of the House bill—

H. B. 57. To establish revenue laws for the State of Alabama.

The question being the motion to indefinitely postpone the bill and amendment, the motion was withdrawn.

The question recurring on the adoption of Mr. Hamilton's substitute for the amendment offered by Mr. Edwards,

Mr. Terrell moved to lay it on the table;

Lost—yeas 10, nays 11.

Those who voted in the affirmative are—

Messrs. Carmichael, Coleman, Cooper, Edwards, Leftwich, Little, Martin of Conecuh, Parks, Terrell and Walton—10.

Those who voted in the negative are—

Messrs. Black, Cobb, Cunningham, Curtis, Dereen, Driesbach, Golson, Grayson, Hamilton, Harris of Lee, Jones, Martin of Tuscaloosa, Moore and Snodgrass—14.

The substitute for the amendment was adopted.

Mr. Parks moved to strike out the word "improved" in the substitute just adopted ;

Lost—yeas 12, nays 15.

Those who voted in the affirmative are—

Messrs. Carmichael, Coleman, Edwards, Farden, Harris of Lee, Harris of Russell, Leftwich, Martin of Tuscaloosa, Moore, Parks, Royal and Terrell—12.

Those who voted in the negative are—

Messrs. Black, Cobb, Cooper, Cunningham, Curtis, Dereen, Driesbach, Golson, Grayson, Green, Hamilton, Little, Martin of Conecuh, Snodgrass and Walton—15.

Mr. Edwards renewed his motion to strike out all after the word "erection," of the fifteenth subdivision, line thirty-one, section two.

On motion of Mr. Golson, the amendment was tabled—yeas 14 nays 12.

Those who voted in the affirmative are—

Messrs. Black, Cooper, Cunningham, Dereen, Driesbach, Farden, Golson, Grayson, Greer, Hamilton, Little, Martin of Conecuh, Snodgrass and Walton—14.

Those who voted in the negative are—

Messrs. Carmichael, Coleman, Curtis, Edwards, Harris of Lee, Harris of Russell, Leftwich, Martin of Tuscaloosa, Moore, Parks, Royal and Terrell—12.

Mr. Moore moved to amend by striking out subdivision fourteen, section two;

Lost—yeas 10, nays 14.

Those who voted in the affirmative are—

Messrs. Carmichael, Coleman, Cooper, Edwards, Harris of Lee, Leftwich, Martin of Tuscaloosa, Moore, Snodgrass and Terrell—10.

Those who voted in the negative are—

Messrs. Black, Cunningham, Curtis, Driesbach, Farden, Golson, Grayson, Green, Hamilton, Harris of Russell, Martin of Conecuh, Parks, Royal and Walton—14.

Mr. Coleman moved to strike out the fifteenth subdivision of section two.

Lost. Yeas 10, nays 15.

Those who voted in the affirmative are—

Messrs. Carmichael, Coleman, Edwards, Harris of Lee, Leftwich, Martin of Conecuh, Martin of Tuscaloosa, Moore, Parks and Terrell — 10.

Those who voted in the negative are—

Messrs. Black, Cooper, Cunningham, Curtis, Driesbach, Farden, Golson, Grayson, Green, Hamilton, Harris of Russell, Jones, Little, Snodgrass and Walton—15.

Mr. Carmichael moved to add to the twelfth subdivision of section two, the words " Provided that the provisions of this act shall apply to property belonging to the estates of deceased persons and to the property of minors who are orphans ; and in such cases the administrator or guardian, as the case may be, shall make the selection of property to be exempt."

The amendment was adopted.

Section two was adopted as amended.

Yeas 14, nays 7.

Those who voted in the affirmative are—

Messrs. Black, Carmichael, Coleman, Cunningham, Driesbach, Edwards, Farden, Golson, Hamilton, Little, Martin of Conecuh, Moore, Snodgrass and Walton—14.

Those who voted in the negative are—

Messrs. Cooper, Green, Harris of Lee, Leftwich, Martin of Tuscaloosa, Parks and Terrell—7.

Mr. Terrell moved to strike out the words " and under fifty," in the third line of section third.

On motion of Mr. Harris of Lee, the motion was tabled.

Yeas 16, nays 7.

Those who voted in the affirmative are—

Messrs. Black, Carmichael, Cooper, Driesbach, Edwards, Golson, Grayson, Green, Harris of Lee, Harris of Russell, Leftwich, Little, Martin of Conecuh, Martin of Tuscaloosa, Moore and Walton—16.

Those who voted in the negative are—

Messrs. Coleman, Cunningham, Curtis, Farden, Hamilton, Parka and Terrell—7.

Mr. Parks moved to substitute " sixty " for " fifty " in the third line of section three.

On motion of Mr. Green, the motion was tabled.

Yeas 15, nays 10.

Those who voted in the affirmative are—

Messrs. Black, Carmichael, Cooper, Edwards, Golson, Grayson, Green, Harris of Lee, Harris of Russell, Leftwich, Martin of Conecuh, Martin of Tuscaloosa, Moore, Snodgrass and Walton—15.

Those who voted in the negative are—

Messrs. Coleman, Cunningham, Curtis, Driesbach, Farden, Hamilton, Little, Parks, Royal and Terrell —10.

Mr. Grayson moved to strike out " fifty" and insert "forty-five," in the third line of section three.

Mr. Terrell moved to amend the amendment by striking out "forey-five" and inserting "fifty-five."

Mr. Grayson moved to table the amendment of the amendment.

Lost.

The vote being taken on the adoption of the amendment to the amendment, it was lost.

On motion of Mr. Terrell, the amendment was tabled ;

The third section was adopted.

On motion of Mr. Parks, at 3 o'clock the Senate look a recess till 7 o'clock to-night.

Yeas 14, nays 11.

Those who voted in the affirmative are—

Messrs. Carmichael, Coleman, Cooper, Cunningham, Driesbach, Edwards, Grayson, Harris of Lee, Little, Martin of Tuscaloosa, Moore, Parks, Snodgrass and Walton—14.

Those who voted in the negative are—

Messrs. Black, Curtis, Dereen, Farden, Green, Hamilton, Harris of Russell, Leftwich, Martin of Conecuh, Royal and Terrell —11.

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NIGHT SESSION, March 3,1875.

The Senate met pursuant to adjournment.

ENROLLED BILL.

Mr. Grayson, from the Committee on Enrolled Bills, reported the following as correctly enrolled :

S. B. 381. To regulate elections in the State of Alabama.

Mr. Martin of Tuscaloosa, from the Committee on Local Legislation, reported favorably to the following House bills—

H. B. 567. To establish the thirteenth chancery district of the northern chancery division.

H. B. 339. To authorize the Governor to issue a patent to Minerva J. Goodwin, for the northwest quarter and the southwest quarter of section 16, township 9, range 3 east, in Marshall county, State of Alabama.

H. B. 485. To consolidate the offices of clerk of the circuit court and county treasurer of the county of Fayette;

Which were severally read the third time, under a suspension of the constitutional rule, and passed.

Also, favorably to the bill—

S. B. 354. For the relief of John McClelland, of Marengo county;

Which was laid on the table.

Mr. Hamilton, from the Judiciary Committee, reported a substitute for the bill—

S. B. 638. For the relief of John B. Cocke as administrator of Woodson Cocke, deceased.

The caption of the substitute is as follows:

S. B. 638. To extend the time within which persons holding allowed claims against counties may commence legal remedies to enforce collection and payment thereof.

The substitute was adopted, the bill read a third time, under a suspension of the constitutional rule, and passed.

Also, a substitute with a like caption for the bill—

S. B. 528. To provide summary remedies against defaulters to the public school fund.

The substitute was adopted, the bill read a third time, under a suspension of the constitutional rule, and passed.

Mr. Carmichael, from the Committee on Internal Improvements, reported favorably to the House bill—

H. B. 198. Declaring the Chickasaw, Birmingham & Tuscaloosa Railroad Company a lawful corporate body to mine and manufacture, and also fix the rate of passenger transportation;

Which was read the third time, under a suspension of the constitutional rule, and passed.

Also, favorably with a substitute for the bill—

S. B. 274. To secure mechanics and employees of the different railroads in this State their wages.

The substitute was adopted and the bill laid on the table.

Mr. Cunningham, from the Committee on Finance, reported favorably to the House bill—

H. B. 555. For the relief of T. W. Smith, tax collector of Autauga county;

Which was read the third time, under a suspension of the constitutional rule, and passed.

Also, favorably to the bill—

S. B. 425. For the relief of Joseph S. Hair, of Lee county.

Mr. Carmichael moved to add the following words : " Provided that the provisions of this act shall apply to all one-armed and one-legged men in this State, in the matter of license-tax upon professions or the exercise of any trade or

craft for which a license-tax is required by the laws of this State."

Mr. Grayson moved to add to the amendment the words:

" Provided they do not own over five hundred dollars worth of property."

The amendment to the amendment was adopted, and the amendment as amended was adopted, the bill was read the third time, under a suspension of the constitutional rule, and passed.

Mr. Moore, from the Committee on Revision of Laws, reported a substitute for the bill—

S. B. 505. For the relief of William McCraig, of Colbert county.

The caption of the substitute is—

S. B. 505. For the relief of certain persons therein named.

The substitute was adopted, the bill read the third time, under a suspension of the constitutional rule, and passed.

Also, favorably to the bill—

S. B. 453. To amend section 1 of an act to secure justices of the peace and notaries public in their fees in certain cases, approved December 16, 1871.

On motion of Mr. Parks, the following words were added to the first section of the bill : " Provided the claims of said justices shall be first audited and passed by the commissioners' courts of their respective counties."

The constitutional rule was suspended, the bill read the third and passed.

#### MESSAGE FROM THE GOVERNOR,

By his Acting Private Secretary.

STATE OF ALABAMA,  
EXECUTIVE DEPARTMENT,

MONTGOMERY, March 3d, 1875.

Mr. President:

The Governor has approved a Senate bill of the following title:

S. B. 381. To regulate elections in the State of Alabama.  
Respectfully,

T. CLANTON,  
Acting Secretary.

Mr. Parks, from Committee on Municipal and County Organizations, reported favorably to the bill—

H. B. 591. To prevent camp hunting, firing the woods, or driving for deer in beats Nos. 5 and 16, in Marshall county;



Which was read the third time, under a suspension of the constitutional rule, and passed.

On motion of Mr. Farden, the House bill—

H. B. 276. For the relief of J. D. B. McDuffie, late tax assessor of Montgomery county ;

Was taken up, read a third time, under a suspension of the constitutional rule, and passed.

On motion of Mr. Leftwich, at 10 o'clock, p. m., the Senate adjourned.

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THURSDAY, March 4, 1875.

The Senate met pursuant to adjournment.

Prayer by Rev. Joseph Nelson.

Present :

Messrs. Black, Carmichael, Cobb, Coleman, Cooper, Cunningham, Curtis, Dereen, Driesbach, Edwards, Glass, Golson, Grayson, Hamilton, Harris of Lee, Harris of Russell, Jones, Leftwich, Little, Martin of Conecuh, Martin of Tuscaloosa, Moore, Parks, Royal, Snodgrass, Terrell and Walton—27.

The journal of yesterday was read and approved.

Mr. Curtis announced that Mr. Haralson had tendered his resignation as Senator for the 21st Senatorial District, and asked that his name be stricken from the rolls of the Senate.

The Senate so ordered.

Mr. Martin of Tuscaloosa, from the select committee, reported a substitute with a like caption, for the bill—

S. B. 673. To regulate trials in county courts in this State.

The substitute was adopted, the bill read the third time, under a suspension of the constitutional rule, and passed, and ordered to the House.

MESSAGE FROM THE HOUSE,

By Mr. Martin—

HOUSE OF REPRESENTATIVES,  
March 4, 1875.

Mr. President :

The House has originated and passed the following bills—

H. B. 721. To secure the more faithful collection of the poll tax in this State.

H. B. 557. To repeal an act entitled an act to enlarge the

jurisdiction of the county court of Autauga county, approved April 4. 1873.

And has adopted joint resolution, herewith sent, in regard to adjournment.

Committee on the part of the House : Messrs. Betts, Wood of Talladega, and Woolf.

ELLIS PHELAN,  
Clerk.

The Governor's message, received on the 26th of February, was taken up, and referred to the Judiciary Committee.

Mr. Parks moved to reconsider the vote by which subdivision 14, section 2, of the revenue bill, was lost,

#### ENROLLED BILLS.

Mr. Dereen, from the Committee on Enrolled Bills, reported the following correctly enrolled :

S. B. 660. An act to cede to the United States Jurisdiction over the National Military Cemetery, at Mobile.

S. B. 611. As act to authorize the probate judge of Blount county to take jurisdiction of the estate of Stephen Garrett, deceased, late of Etowah county.

S. B. 46. An act to define and limit the power of judges and o her magistrates over fines assessed by juries in criminal cases.

S. B. 391. An act to amend section 3439 of the Revised Code;

S. B. 43. An act to provide for the trial of issues of fact without a jury, in certain cases.

S. B. 595. An act to compensate the commissioners to codify the laws of Alabama.

The hour of eleven o'clock having arrived, the Senate proceeded to the consideration of the

#### SPECIAL ORDER.

Mr. Grayson offered a substitute for the bill—

S. B. 672. To repeal an act for the encouragement of mining manufacturing, industrial, mechanical and commercial pursuits within the State of Alabama, approved April 23, 1873.

The caption of the substitute is as follows :

S. B. 672. To amend sections 1 and 7 of an act for the encouragement of mining, manufacturing, industrial, mechan-

ical and commercial pursuits within the State of Alabama, approved April 23, 1873.

The substitute was adopted.

Mr. Coleman moved to strike out " five " and insert "three."

On motion of Mr. Cobb, the motion was tabled. Yeas 16—nays 10.

Those who voted in the affirmative are—

Messrs. Black, Carmichael, Cobb, Cooper, Cunningham, Dereen, Driesbach, Edwards Farden, Glass, Golson, Grayson, Hamilton, Martin of Conecuh, Royal and Snodgrass —16.

Those who voted in the negative are—

Messrs. Coleman, Curtis, Harris of Lee, Harris of Russell, Leftwich, Little, Martin of Tuscaloosa, Moore, Parks and Terrell—10.

The constitutional rule was suspended, the bill read the third time and passed.

Mr. Hamilton, from the Judiciary Committee, reported adversely to the bill—

S. B. 665. To create a lien in favor of mechanics and laborers in Alabama.

The report was concurred in,

Mr. Hamilton, from same committee, reported favorably, with amendments, to the House bill—

H. B. 30. To declare a lien in favor of laborers, mechanics and employees, and to provide for the enforcement thereof.

Amend first section by striking out all after the word "State" in the sixth line.

Amend the second section by striking out of the third line the words "above all other liens for debts due them ;" and by striking out the word "prior" in the third line and inserting in the fourth line the words " all the right, title and interest of the person or persons for whom the work is done or the materials furnished in ;" and strike out the words "and to" in the sixth line and insert "including."

Amend the third section by striking out the word "only" in the sixth line.

Amend the seventh section by striking out the fifth, sixth and seventh lines.

Amend the eleventh section by striking out all after the word "thereof" in the fourth line.

The amendments were adopted.

On motion of Mr. Parks, the bill was made the special order for 11. o'clock to-morrow.

The House bill was taken up—

H B. 57. To establish revenue laws for the State of Alabama.

Mr. Coleman moved to reconsider the vote by which the proposed amendment to strike out the word " fifty " in the third line of section three and insert " forty-five" was tabled.

Lost. Yeas 11, nays 14.

Those who voted in the affirmative are—

Messrs. Carmichael, Cobb, Coleman, Edwards, Grayson, Harris of Lee, Leftwich, Martin of Conecuh, Martin of Tuscaloosa, Moore and Royal—11.

Those who voted in the negative are—

Messrs. Black, Cooper, Cunningham, Curtis, Dereen, Driesbach, Golson, Hamilton, Harris of Russell, Little, Parks, Snodgrass, Terrell and Walton—14.

Section four was adopted.

Mr. Parks moved to amend section five, subdivision one, by striking out " 75-100" and inserting in lieu thereof " 60-100."

Mr. Terrell offered a substitute for the fifth section—

" Sec. 5. Be it further enacted, That every person required by this act to make or deliver such statement, shall set forth an account of the property held or owned by him, or them, as follows : and upon the several items of property so named there is and shall be levied, a tax at the rate of seventy cents on each one hundred dollars."

On motion of Mr. Carmichael, the amendment was tabled.

The question recurring on the adoption of Mr. Parks' amendment, it was lost. Yeas 10—nays 14.

Those who voted in the affirmative are—

Messrs. Coleman, Cooper, Edwards, Golson, Harris of Lee, Martin of Tuscaloosa, Moore, Parks, Terrell and Walton — 10.

Those who voted in the negative are—

Messrs. Black, Carmichael, Cunningham, Curtis, Dereen, Driesbach, Grayson, Green, Hamilton, Harris of Russell, Leftwich, Martin of Conecuh, Royal and Snodgrass —14.

On motion of Mr. Carmichael, section five, subdivision four, was amended by inserting the words "the first" after the word "of " in the eighteenth line, and substituting the word " or" for " and " in the same line ; also, by inserting the word "additional" before the word "sales" in the 18th, 19th, 20th and 21st lines.

On motion of Mr. Dereen, the words "on their value at the rate of " were inserted after the word " guns" in the 14th subdivision of section 5.

On motion of Mr. Harris of Lee, the words " the number of acres improved" were struck out of the fifth and sixth lines of subdivision 1, section 5.

On motion of Mr. Hamilton, the words " sixty cents on the one hundred dollars " were substituted for the words " the amount herein authorized for the use of the State" in the fifty-fourth and fifty-fifth lines, subdivision 21, section 5.

On motion of Mr. Harris of Lee, the 8th subdivision, section 5, was struck out.

The 5th, 6th, 7th, 8th and 9th sections were severally adopted.

On motion of Mr. Cobb, the following amendments were made to subdivision 10 of section 10:

Strike out the word " individual" in the fifty-first line.

Strike out the words between " treasurer " and " also " in the fifty-fourth and fifty-fifth lines.

Strike out all between the words " year" in sixtieth line and to the word " must" in the sixty-second line, and insert in lieu thereof the words " The sum first named in this subdivision."

Mr. Grayson moved to amend by inserting the words, except for " municipal corporations" in the fifty-second line, section 10.

On motion of Mr. Coleman, the amendment was tabled.

On motion of Mr. Coleman, the Senate, at quarter to three o'clock, took a recess to half-past 4 o'clock, p. m.

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AFTERNOON SESSION, March 4, 1876.

The Senate met pursuant to adjournment.

Mr. Cooper, from the Judiciary Committee, reported a substitute for the bill—

S. B. 24. Fixing the liability of keepers of billiard tables for pay, or as connected with as an appendage to a drinking saloon.

The caption of the substitute is as follows:

S. B. 214. To prohibit keepers of billiard tables on or connected with premises where liquor is sold from knowingly permitting minors to play on such tables.

The substitute was adopted, the bill read the third time, under a suspension of the constitutional rule, and passed.

On motion of Mr. Cobb, the Senate adjourned.

Yeas 14, nays 12.

Those who voted in the affirmative are—

Messrs. Black, Cobb, Cooper, Cunningham, Farden, Golson,

Green, Harris of Lee, Harris of Russell, Little, Martin of Conecuh, Robinson, Royal and Terrell —14.

Those who voted in the negative are—

Messrs. Carmichael, Coleman, Dereen, Driesbach, Edwards, Glass, Grayson, Martin of Tuscaloosa, Moore, Parks, Snodgrass and Walton—12.

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FRIDAY, March 5, 1875,

The Senate met pursuant to adjournment.

Prayer by Rev. L. M. Wilson.

Present—

Messrs. Carmichael, Cobb, Coleman, Cooper, Cunningham, Curtis, Dereen, Driesbach, Glass, Golson, Grayson, Green, Harris of Lee, Inzer, Jones, Leftwich, Little, Martin of Conecuh, Martin of Tuscaloosa, Parks, Robinson, Royal, Snodgrass and Walton—24:.

The journal of yesterday was read and approved,

Mr. Hamilton, from the Judiciary Committee, reported a substitute for the bill—

8. B. 644. To authorize and empower the treasurer of this State to cancel the interest due or to become due on the State obligations issued under and in pursuance of an act of the Legislature of the State of Alabama, approved 19th December, 1873, up to and including the first day of January, 1881.

The caption of the substitute is as follows:

S. B. 614. To provide for the cancellation of the promise of the State to pay interest on the face of the obligations issued under authority of the act to provide for the funding of the domestic debt of this State, approved December 19, 1873, as fast as the same are received into the treasury.

The substitute was adopted.

On motion of Mr. Terrell, the bill was made the special order for 11 o'clock to-morrow.

Mr. Carmichael, from the Committee on Internal Improvements, reported a substitute for the bills—

8. B. 467. To entitle the East Alabama and Cincinnati Railroad Company to surrender its endorsed bonds, &c.

S. B. 482. To settle with the Selma and Gulf Railroad Company for the outstanding endorsement of the State on account of said railroad company.

The caption of the substitute is as follows:

S. B. 467. For the relief of the East Alabama and Cincinnati, and Selma and Gulf Railroad Companies.

The substitute was adopted.

On motion of Mr. Robinson, the bill was made the special order for Monday, immediately after the reading of the journal.

On motion of Mr. Martin of Tuscaloosa, the bill was taken up—

S. B. 299. To establish a board of revenue for Montgomery county.

The first amendment, reported by the committee, was a substitute for section six.

The second amendment struck out of section nine, sixth Hue, the words "upon warrants," and inserted in lieu thereof the word "as": And it strikes out the words between "board," in the seventh line, section nine, and the word "and" where it first occurs in the ninth line.

The amendments were adopted.

Mr. Farden moved to make the provisions of the bill applicable to the several counties of the State.

On motion of Mr. Carmichael, the motion was tabled.

Mr. Farden moved to amend by inserting "elected" in lieu of "appointed."

On motion of Mr. Little, the amendment was tabled.

The constitutional rule was suspended, the bill read the third time and passed,

Mr. Martin of Tuscaloosa, moved to reconsider the vote by which the bill passed.

On motion of Mr. Carmichael, the motion was tabled.

The bill was ordered to the House.

Bills were introduced—

By Mr. Farden—

S. B. 678. For the relief of Mrs. Georgiana Oliver of Montgomery county;

Which was read the first and second times, under a suspension of the constitutional rule, and referred to a select committee composed of Messrs. Farden, Carmichael and Hamilton.

By Mr. Robinson—

S. B. 69. To authorize the courts of county commissioners of Chambers, Lee and Randolph counties to compromise and settle the bonded indebtedness of said counties, issued in payment of stock subscribed by said counties to railroad companies ;

Which was read the first, second and third times, under a suspension of the constitutional rule, and passed.

#### ENROLLED BILLS.

Mr. Dereen, from the Committee on Enrolled Bills, reported the following bill as correctly enrolled ;

S. B. 150. An act to establish a new charter for the city of Selma.

Mr. Grayson, from the same committee, reported the following bills correctly enrolled :

S. B. 637. An act to prescribe the time of holding, and the terms of the supreme court.

S. B. 649. An act to authorize Mrs. Ruth M. Gillespie of the State of North Carolina, to administer upon the estate of A. Monroe Gillespie in Bullock county, Alabama.

MESSAGE FROM THE HOUSE,

By Mr. Garrett:

HOUSE OF REPRESENTATIVES,  
March 5, 1875.

Mr. President :

The House has originated and passed the following bill:

H. B. 690. To amend section five of an act entitled an act to amend the corporation laws of Alabama, approved August 12, 1868.

And has passed the following Senate bill, with title amended as therein shown :

S. B. 26. To regulate the business of fire, inland and marine insurance companies.

And has originated and passed the House bill—

H. B. 727. To prescribe and regulate the duties of the judge of the county court of Wilcox county, in relation to persons convicted and sentenced to hard labor in said county.

ELLIS PHELAN,  
Clerk

The House bill—

H. B. 557. To repeal an act entitled an act to enlarge the Jurisdiction of the county court of Autauga county, approved April 4, 1878 ;

Was read the first, second and third times, under a suspension of the constitutional rule, and passed.

Mr. Carmichael, from the Committee on Internal Improvements, reported favorably to the bill—

S. B. 273. To amend section one of an act to amend an act entitled an act to incorporate the Pensacola Railroad Contracting Company, approved February 16, 1867;

Which was read the third time, under a suspension of the constitutional rule, and passed.

The House amendments to the Senate bill—



S. B. 26. To regulate the business of fire, inland, and marine insurance companies which, added to the caption the words "of other States and countries doing business in Alabama," was concurred in, and the House notified thereof.

The Senate proceeded to the consideration of the House bill—

H. B. 67. To establish revenue laws for the State of Alabama.

Mr. Parks renewed his motion to reconsider the vote by which the Senate refused to strike out subdivision fourteen of section two.

The motion prevailed, and subdivision fourteen of section two, was struck out.

Mr. Grayson moved to reconsider the vote adopting section five.

On motion of Mr. Hamilton, the words "this State or" were struck out of the thirteenth line of section ten ; also, the words "life, fire, or marine," in the twenty-fifth line, section ten ; also, the seventh subdivision of section ten.

On motion of Mr. Carmichael, the fifth subdivision of section ten, was amended as follows : The words "three-fourths" were substituted for "six-tenths," in the thirty-seventh line ; the words "after deducting the expenses of carrying on such business," in the thirty-seventh and thirty-eighth lines, were transposed and added to the end of the thirty-ninth line.

On motion of Mr. Carmichael, the eighth subdivision of the same section was struck out—yeas 18, nays 7.

Those who voted in the affirmative are—

Messrs. Black, Carmichael, Curtis, Dereen, Glass, Green, Hamilton, Harris of Lee, Harris of Russell, Inzer, Leftwich, Little, Martin of Conecuh, Martin of Tuscaloosa, Moore, Parks, Royal and Snodgrass —18.

Those who voted in the negative are—

Messrs. Coleman, Cooper, Cunningham, Driesbach, Edwards, Grayson and Walton—7.

On motion of Mr. Cobb, another subdivision numbered "twenty-four" was added to section five, containing these words : "24. Tax on railroads, sixty-five cents on the \$100 in value.

The tenth section was adopted.

Mr. Dereen moved to strike out the -words "and upon the salaries of all other persons" in line two, section eleven, and to insert the words "a tax" after "dollars," in the same line.

On motion of Mr. Walton, the amendment was tabled.

Sections 11,12, 13, 14 and 15 were adopted.

Mr. Martin of Tuscaloosa, moved to add to section 33 the

words, “ provided that the assessment for the taxes of the year 1875, shall not be affected by the provisions of this act, except as to subjects of taxation not embraced in the statutes in force prior to the passage of this act.”

On motion of Mr. Grayson the words “an additional tax of 20 per cent” were substituted for the words “a double tax” in the fourth line of section thirty-one.

On motion of Mr. Robinson, sections 24, 25 and 26 of the revenue laws of 1868, were substituted for sections 21, 22 and 23, except that the words “except the land donated by Congress and herein exempted,” where they occur in the twenty-fourth section of the revenue laws of 1868, were struck out—yeas 17, nays 7.

Those who voted in the affirmative are—

Messrs. Black, Carmichael, Coleman, Cooper, Driesbach, Edwards, Grayson, Green, Harris of Lee, Inzer, Leftwich, Little, Martin of Tuscaloosa, Moore, Robinson and Terrell—17.

Those who voted in the negative are—

Messrs. Cunningham Curtis, Farden, Hamilton, Harris of Russell, Martin of Conecuh and Royal—7.

Mr. Terrell moved to adjourn.

Lost. Yeas 8—nays 16.

Those who voted in the affirmative are—

Messrs. Black, Curtis, Farden. Green, Martin of Conecuh, Robinson, Royal and Terrell—8.

Those who voted in the negative are—

Messrs. Carmichael, Cobb, Coleman, Cooper, Cunningham, Driesbach, Edwards, Grayson, Hamilton, Harris of Lee, Harris of Russell, Inzer, Leftwich, Little, Martin of Tuscaloosa, and Moore—16.

Mr. Little moved to strike out the proviso in the sixth, seventh and eighth lines of section fifteen.

Lost.

On motion of Mr. Cooper, the sections from sixteen to ninety-four, inclusive, were adopted.

On motion of Mr. Farden, at 4 o'clock, the Senate adjourned.

SATURDAY, March 6, 1875.

The Senate met pursuant to adjournment.

Prayer by Rev. A. P. Graves.

Present—

Messrs. Carmichael, Cobb, Coleman, Cooper, Cunningham, Curtis, Dereen, Driesbach, Glass, Green, Hamilton, Harris of Lee, Harris of Russell, Inzer, Jones, Leftwich, Little, Martin of Conecuh, Martin of Tuscaloosa, Royal, Snodgrass and Walton—23.

The journal of yesterday was read and approved.

On motion of Mr. Robinson, the Senate proceeded to the consideration of the House bill—

H. B. 57. To establish revenue laws for the State of Alabama.

On motion of Mr. Walton, the 8th subdivision of section 5 was reinserted.

On motion of Mr. Cobb, the following was adopted as a substitute for subdivision twenty-four, section five:

" On the road bed, track, and all other real property of railroads, 75 cents on the \$100 in value; and on all personal property of railroads, 50 cents on the \$100 in value."

Sections 95 to 101 inclusive, were adopted.

On motion of Mr. Grayson, the word "quart" was substituted for the word " gallon," in the thirty-second line of section 102. Yeas 14—nays 12.

Those who voted in the affirmative are—

Messrs. Carmichael, Driesbach, Edwards, Grayson, Green, Hamilton, Inzer, Leftwich, Martin of Tuscaloosa, Moore, Robinson, Royal, Snodgrass and Terrell —14.

Those who voted in the negative are—

Messrs. Black, Cobb, Cooper, Cunningham, Curtis, Dereen, Harden, Harris of Lee, Harris of Russell, Little, Martin of Conecuh, and Walton—12.

Mr. Farden moved to reconsider the vote adopting the amendment.

Mr. Terrell moved to lay the motion on the table.

Lost. Yeas 11—nays 16.

Those who voted in the affirmative are—

Messrs. Carmichael, Curtis, Edwards, Hamilton, Leftwich, Martin of Tuscaloosa, Moore, Robinson, Royal, Snodgrass and Terrell— 11.

Those who voted in the negative are—

Messrs. Black, Cobb, Coleman, Cooper, Cunningham, Dereen, Driesbach, Farden, Glass, Harris of Lee, Harris of

Russell, Inzer, Jones, Little, Martin of Conecuh, and Walton—16.

The vote was reconsidered.

MESSAGE FROM THE HOUSE,

BJ. Mr. Whitman:

HOUSE OF REPRESENTATIVES,  
March 6, 1875.

Mr. President :

The House has passed the following Senate bills:

S. B. 605. To authorize L. W. Harmon to collect certain taxes in Chambers county.

S. B. 673. To regulate trials in county courts of this State.

S. B. 620. To prescribe the mode of granting license to sell intoxicating liquors in the county of Choctaw.

S. B. 528. To provide summary remedies against defaulters to the public school fund.

S. B. 535. To amend section 957 of the Revised Code.

S. B. 675. To prohibit the sale or giving away of spirituous liquors within three miles of R. J. Wood's copper mines, at Stone Hill, on the line of Randolph and Cleburne counties.

S. B. 663. To prohibit the sale or giving away of spirituous, vinous or malt liquors within five miles of Ebenezer Baptist Church, in the county of Macon.

S. B. 667. For the protection of savings banks and associations in the payment of moneys deposited by minors and married women.

S. B. 390. To compel the courts of county commissioners of this State to carry into effect the provisions of chapter 3, part 4, title 2, of the Revised Code, providing for hard labor for the county.

And has originated and passed the following bills :

H. B. 717. To regulate the election of beat officers in Choctaw county.

H. B. 469. To incorporate the town of Central Institute, in Elmore county.

ELLIS PHELAN,  
Clerk.

MESSAGE FROM THE GOVERNOR,

By his Acting Private Secretary:

STATE OF ALABAMA,  
EXECUTIVE DEPARTMENT,  
MONTGOMERY, March 6, 1875.

Mr. President :

The Governor has approved Senate bills of the following titles:

S. B. 637. To prescribe the time of holding, and terms of the supreme court.

S. B. 637. To define and limit the power of judges or other magistrates over fines assessed by juries in criminal cases.

S. B. 391. To amend section 3439 of the Revised Code.

S. B. 649. To authorize Mrs. Ruth M. Gillespie, of the State of North Carolina, to administer upon the estate of A. Monroe Gillespie, in Bullock county, Alabama.

S. B. 43. To provide for the trial of issues of fact without a jury, in certain cases.

S. B. 660. Ceding to the United States jurisdiction over the national military cemetery at Mobile.

S. B. 611. To authorize the probate judge of Blount county to take jurisdiction of the estate of Stephen Garrett, deceased, of Etowah counties.

Very respectfully,

T. CLANTON,  
Acting Secretary.

#### ENROLLED BILLS.

Mr. Grayson, from the Committee on Enrolled Bills, reported the following bills correctly enrolled :

S. B. 619. An act to fix the time of holding the circuit court in the eighth judicial circuit.

S. B. 656. An act to prohibit the sale, or giving away, or otherwise disposing of spirituous, vinous or malt liquors within four miles of the Episcopal Church at Macon, Hale county.

S. B. 657. An act to prohibit the sale, giving away or otherwise disposing of spirituous, vinous or malt liquors within two miles of Mount Pleasant Church, in Crenshaw county.

Mr. Harris of Lee, from the same committee, reported the following as correctly enrolled :

S. B. 652. An act to prohibit the sale, giving away, or otherwise disposing of any vinous, spirituous, or malt liquors, or intoxicating bitters, or other intoxicating beverages, within two miles of Walker's church, Bellevue precinct, in the county of Dallas.

S. B. 647. An act to prohibit the sale, barter, or gift of intoxicating liquors within three miles of Gold Hill church, in Lee county.

S. B. 26. An act to regulate the business of fire, inland and marine insurance companies of other States and countries doing business in Alabama.

S. B. 560. An act to authorize the court of county commissioners of Choctaw county to issue bonds.

## ENROLLED BILLS.

Mr. Dereen, from the same committee, reported the following bills as correctly enrolled :

S. B. 430. An act to authorize the mayor and aldermen of the town of Gadsden to lay off the limits of said town into five wards, define the number and mode of election of officers, their powers and duties, with authority to increase or diminish the corporate limits of said town by a majority vote of the legally authorized voters of said town, and for other purposes in said act mentioned.

S. B. 322. An act to incorporate the town of Culman in Blount county.

S. B. 658. An act to amend section 4167 of the Revised Code.

S. B. 407. An act to compel the tax collector of Lowndes county to receive certain claims against said county of Lowndes in payment of taxes due said county.

S. B. 661. An act to punish the crime of perjury at municipal elections.

S. B. 612. An act to authorize the board of directors of the Huntsville Agricultural and Mechanical Association, and the Agricultural and Mechanical Association of Wilcox county, to rent the booths, stalls and grounds of their association for certain purposes.

S. B. 655. An act to prohibit the sale, or giving away, of spirituous, vinous, or malt liquors, within three miles of Concord Presbyterian Church, in Hale county.

S. B. 654. An act to prohibit the sale, giving away, or otherwise disposing of spirituous or vinous liquors within three miles of Union church, and the public school house, in beat 7, Hale county.

S. B. 605. An act to authorize L. W. Harmon to collect certain taxes in Chambers county.

The Senate resumed the consideration of the revenue bill.

On motion of Mr. Dereen, the pending amendment was tabled.

Yeas 16, nays 11.

Those who voted in the affirmative are—

Messrs. Black, Cobb, Coleman, Cooper, Cunningham, Dereen, Farden, Green, Harris of Lee, Harris of Russell, Inzer, Jones, Little, Martin of Conecuh, Snodgrass and Walton—16.

Those who voted in the negative are—

Messrs. Carmichael, Curtis, Driesbach, Edwards, Hamilton, Leftwich, Martin of Tuscaloosa, Moore, Robinson, Royal and Terrell—11.

Mr. Coleman moved to amend section 102, subdivision 1, by striking out "fifty " and inserting "one hundred " in the third line.

On motion of Mr. Farden, the amendment was tabled.

Mr. Terrell moved to substitute "fifty" for "seventy-five" in the twenty-ninth line of section 102.

Mr. Cooper moved to amend the amendment by striking out " fifty " and inserting "one hundred."

On motion of Mr. Terrell, the amendment to the amendment was tabled.

Yeas 16, nays 10.

Those who voted in the affirmative are—

Messrs. Carmichael, Dereen, Driesbach, Edwards, Glass, Grayson, Hamilton, Inzer, Leftwich, Martin of Conecuh, Martin of Tuscaloosa, Moore, Royal, Snodgrass, Terrell and Walton—16.

Those who voted in the negative are—

Messrs. Black, Coleman, Cooper, Cunningham, Farden, Green, Harris of Lee, Harris of Russell, Jones and Little—10.

On motion of Mr. Walton, the amendment was tabled.

The hour of twelve o'clock having arrived, the Senate proceeded to the consideration of miscellaneous business.

Mr. Moore offered the following resolutions:

Whereas, it was published in the Associated Press Dispatches, a few days ago, and in the Advertiser of to-day, that George E. Spencer, claiming to be a Senator in the Congress of the United States, had introduced into the Senate of the United States a Memorial alleged to have been prepared by the Republican members of the Senate and House of Representatives of the Legislature of Alabama ; and,

Whereas, said memorial, as reported, is a false, malicious and defamatory libel upon this Senate ; and,

Whereas, said libel, as alleged to have been perpetrated, is herewith submitted in printed form and asked to be read, purports to be signed by certain members of this body ; and,

Whereas, said libel can be construed in no other light than a cool, premeditated and malicious purpose on the part of its authors, by the most willful and malicious falsehood, to bring into disrepute the name and standing of this body for honesty and integrity ; and,

Whereas, this Senate, having a proper regard and respect for its members and for their vindication, deems it a duty to ascertain the authenticity of the document containing said libel herewith submitted, and also to ascertain whether or not the members of this body, whose names purport to be signed to

said document, did really sign the same ; and if found to be authentic, and that members of this body did sign the same, to ascertain what in that event should be the action of the Senate ; therefore,

Be it resolved, That a committee of three members of this body be appointed by the presiding officer, whose duty it shall be to ascertain whether or not said document is authentic, and if so, which members, if any of this body, signed the same, and what should be the action of this Senate in the premises.

Be it further resolved, That said committee is hereby clothed with power to send for persons and papers, and examine witnesses on oath.

Be it further resolved, That it shall be their duty to report their action under these resolutions as early as convenient.

Mr. Black moved to strike out the preamble.

On motion of Mr. Grayson, the motion was tabled.

Yeas 21, nays 4.

Those who voted in the affirmative are—

Messrs. Carmichael, Cobb, Coleman, Cooper, Cunningham, Driesbach, Edwards, Grayson, Green, Hamilton, Harris of Lee, Harris of Russell, Inzer, Little, Martin of Conecuh, Martin of Tuscaloosa, Moore, Robinson, Snodgrass, Terrell and Walton—21.

Those who voted in the negative are—

Messrs. Black, Curtis, Dereen and Farden—4.

Mr. Curtis moved to make the committee consist of nine members.

On motion of Mr. Robinson, the motion was tabled.

Mr. Farden moved to make the committee consist of five members.

On motion of Mr. Robinson, the motion was tabled.

The resolutions were adopted, and Messrs. Moore, Martin of Conecuh, and Little appointed said committee.

Mr. Farden, by leave, introduced a bill—

S. B. 680. To amend an act entitled an act to incorporate the Montgomery South Plank Road Company ;

Which was read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Internal Improvements.

Leave of absence was granted to Mr. Parks for one day, and to Mr. Golson for two days.

Mr. Farden moved to adjourn.

Lost. Yeas 12—nays 14.

Those who voted in the affirmative are—

Messrs. Black, Cunningham, Curtis, Farden, Green, Hamil-



ton, Harris of Russell, Jones, Leftwich, Martin of Conecuh, Martin of Tuscaloosa, and Terrell—12.

Those who voted in the negative are—

Messrs. Carmichael, Cobb, Coleman, Cooper, Driesbach, Edwards, Grayson, Harris of Lee, Inzer, Little, Moore, Robinson, Snodgrass and Walton—14.

Mr. Martin of Conecuh moved to suspend the order, of business, to call up local bills.

Lost.

On motion of Mr. Leftwich, at 3 o'clock, p. m., the Senate adjourned.

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MONDAY, March 8, 1875.

The Senate met pursuant to adjournment.

Prayer by Rev. Joseph Nelson.

Present—

Messrs. Carmichael, Cobb, Coleman, Cooper, Cunningham, Curtis, Dereen, Edwards, Greens, Hamilton, Harris of Lee, Harris of Russell, Inzer, Jones, Leftwich, Little, Martin of Tuscaloosa, Moore, Robinson, Royal, Snodgrass, Terrell and Walton—23.

The journal of Saturday was read and approved.

Mr. Dereen, by leave, offered the following resolution, which was adopted :

Be it resolved by the Senate, That the Governor is hereby requested to return to the Senate, a Senate bill—

S. B. 656. To prohibit the sale of spirituous liquors within four miles of the Episcopal Church, Macon, Hale county, Alabama.

The bill was returned to the Senate as requested.

Mr. Hamilton, from the Committee on the Judiciary, reported favorably to the bill—

S. B. 603 . To remove the county of Tuscaloosa from the Western Chancery Division to the Middle Chancery Division of the State, and to fix the times of holding the courts therein ;

Which was read the third time, under a suspension of the constitutional rule, and passed, and ordered to the House.

MESSAGE FROM THE HOUSE,

By Mr. Whitman—

HOUSE OF REPRESENTATIVES,  
March 8, 1875.

Mr. President :

The House has amended as therein shown, and passed Senate bill :

S. B. 638. To extend the time within which persons holding allowed claims against counties may commence legal remedies to enforce collection and payment thereof.

And ordered the same to be sent forthwith to the Senate.

ELLIS PHELAN,  
Clerk.

The House amendments were concurred in to the Senate bill—

S. B. 638. To extend the time within which persons holding allowed claims against counties, may commence legal remedies to enforce collection and payment thereof.

The word “ counties,” in the caption, was struck out, and the words, “county of Perry,” inserted.

ENROLLED BILLS.

Mr. Harris of Lee, from the Committee on Enrolled Bills, reported the following bills as correctly enrolled :

S. B. 390. An act to compel the courts of county commissioners of this State, to carry into effect the provisions of chapter 3, part 4, title 2 of the Revised Code, providing for hard labor for the county.

S. B. 435. An act to amend section 957 of the Revised Code.

S. B. 528. An act to provide summary remedies against defaulters to the public school fund.

S. B. 620. An act to prescribe the mode of granting license to sell intoxicating liquors in the county of Choctaw.

S. B. 625. An act to authorize the courts of county commissioners of this State to provide field notes of the original surveys of all the lands in their respective counties.

S. B. 663. An act to prohibit the sale or giving away of spirituous, vinous or malt liquors within five miles of Ebenezer Baptist Church, in the county of Macon.

S. B. 667. An act for the protection of savings banks and associations, in the payment of moneys deposited by minors and married women.

S. B. 673. An act to regulate trials in county courts in this State.

S. B. 675. An act to prohibit the sale or giving away of

spirituous liquors within three miles of R. J. Wood's copper mine, at Stone Hill, on the line of Randolph and Cleburn counties.

S. B. 638. An act to extend the time within which persons bolding allowed claims against the county of Perry may commence legal remedies to enforce collection and payment thereof.

#### MESSAGE FROM THE HOUSE

By Mr. Whitman:

HOUSE OF REPRESENTATIVES,

March 8, 1875.

Mr. President:

The House has passed the following Senate bill:

S. B. 618. To amend section four of an act to preserve order at the China Grove Camp Ground, in the county of Dale.

And has amended, as therein shown, and passed the Senate bills—

S. B. 600. To fix the number of the officers of the penitentiary and their compensation.

And has originated and passed the following bills :

H. B. 576. To provide for the liquidation of the unpaid claims against the county of Coosa.

H. B. 605. To declare Wm. M. Green, a liner between Pike and Bullock county, a citizen of Pike county, Alabama.

And has passed the following joint resolutions—

H. R. 593. To pay F. Titcomb seventy-eight dollars for thirteen days services as sergeant-at-arms of the House in 1872.

H. R. 659. To provide for the settlement of the accounts of Dr. M. G. Moore, late warden of the Alabama penitentiary.

ELLIS PHELAN,  
Clerk.

#### ENROLLED BILLS.

Mr. Dereen, from the Committee on Enrolled Bills reported the following as correctly enrolled :

S. B. 618. An act to amend section four of an act to preserve order at the China Grove Camp Ground, in the county of Dale.

#### MESSAGE FROM THE GOVERNOR,

By his Private Secretary ;

EXECUTIVE DEPARTMENT,  
STATE OF ALABAMA,  
MONTGOMERY, March 8, 1875.

Mr. President :

The Governor has approved the following bills originating in the Senate:

S. B. 407. An act to compel the tax collector of Lowndes county to receive certain claims against said county of Lowndes in payment of taxes due to said county.

S. B. 605. An act to authorize L. W. Harmon to collect certain taxes in Chambers county.

S. B. 658. An act to amend section 4167 of the Revised Code.

S. B. 612. An act to authorize the boards of directors of the Huntsville Agricultural and Mechanical Association, and the Agricultural and Mechanical Association of Wilcox county, to rent the booths, stalls and grounds of their associations for certain purposes.

S. B. 661. To punish the crime of perjury at municipal elections.

S. B. 322. An act to incorporate the town of Cullman in Blount county.

S. B. 560. To authorize the court of county commissioners of Choctaw county to issue bonds;

S. B. 647. To prohibit the sale, barter, or gift of intoxicating liquors within three miles of Gold Hill church, in Lee county.

S. B. 652. To prohibit the sale, giving away or otherwise disposing of vinous, spirituous or malt liquors, or intoxicating bitters, or other intoxicating beverages, within two miles of Walker's church, Bellevue precinct, in the county of Dallas.

S. B. 655. To prohibit the sale or giving away of spirituous, vinous, or malt liquors, within three miles of Concord Presbyterian Church in Hale county.

S. B. 430. An act to authorize the mayor and aldermen of the town of Gadsden to lay off the limits of said town into five wards, define the number and mode of selection to officers, their powers and duties, with authority to increase or diminish the corporate limits of said town by a majority vote of the legally authorized voters of said town, and for other purposes in said act mentioned,

S. B. 657. To prohibit the sale, or giving away of spirituous, vinous or malt liquors within two miles of Mount Pleasant church, in Crenshaw county.

S. B. 619. To fix the time of holding the circuit courts in the eighth judicial circuit.

S. B. 26. An act to regulate the business of fire, inland, and marine insurance companies of other States and countries doing business in Alabama.

S. B. 150. An act to establish a new charter for the city of Selma.

Very respectfully,

L. R. DAVIS,  
Private Secretary.

The Senate proceeded to the consideration of the

#### SPECIAL ORDERS.

The Senate bill was taken up—

S. B. 467. For the relief of the East Alabama and Cincinnati, and Selma and Gulf Railroad Companies.

Mr. Terrell moved to amend by adding an additional section—

"Sec. 7. Be it further enacted, That whenever such railroad companies accept the provisions of this act, that the Governor be authorized to appoint two directors to protect the interest of the State until such bonds are paid off and discharged, which directors shall be upon equal footing with the directors of said railroad companies, and be subject to removal at the pleasure of the Governor."

On motion of Mr. Coleman, the bill was postponed and made the special order for 11 o'clock to-morrow morning.

The bill was taken up—

S. B. 461. To provide for the payment of such person or persons as may establish their right to compensation for services about selecting and securing title to the State of swamp and overflowed lands, and to permit the further prosecution of the suit now pending for that purpose under a special act of the General Assembly.

On motion of Mr. Terrell, it was postponed and made the special order for Wednesday at 11 o'clock.

The House bill was taken up—

H. B. 30. To declare a lien in favor of laborers, mechanical and employees, and to provide for the enforcement thereof.

Mr. Martin of Tuscaloosa, moved to strike out the third section.

The bill was made the special order for 11 o'clock to-morrow.

The Senate proceeded to the consideration of the House bill—

H. B. 57. To establish revenue laws for the State of Alabama.

Mr. Dereen moved to amend section 102, line 29, by substituting "50" for "75"; also, by substituting "75" for "100," in line 30; also, by substituting "150" for "200," in line 31;

Lost—yeas 12, nays 14.

Messrs. Dereen, Driesbach, Edwards, Glass, Hamilton, Harris of Russell, Jones. Martin of Tuscaloosa, Moore, Robinson, Royal and Terrell—12.

Those who voted in the negative are—

Messrs. Carmichael, Cobb, Coleman, Cooper, Cunningham, Curtis, Farden, Harris of Lee, Inzer, Leftwich, Little, Parks, Snodgrass and Walton—14.

Mr. Coleman moved to reconsider the vote just taken.

On motion of Mr. Parks, the motion was tabled.

On motion of Mr. Hamilton, the words "less than" were substituted for "of" in line 32, section 102, and the words "or less" were struck out after "gallon" in same line.

On motion of Mr. Cunningham, the word "fifty" was substituted for "thirty" in line 45, section 102.

On motion of Mr. Hamilton, the word "of" was substituted for the words "greater than" in line 50 section 102, and the words "or more" after the word "gallon" were inserted.

Mr. Farden moved to strike out "20" and insert "10" in line 73, section 102;

Lost.

On motion of Mr. Terrell, the words "The payment of this tax to the State, evidenced by the receipt of any judge of probate, shall exempt from payment of this license in any other county," were inserted at the end of the 11th, 15th and 35th subdivisions of section 102.

On motion of Mr. Farden, the words "of an insurance company twenty-five dollars, and for each" were substituted for the word "and" in line 81, section 102, and the words "of an insurance company" after "sub-agent" were struck out.

Mr. Terrell moved to strike out the 16th subdivision, section 102.

Mr. Coleman moved to table the motion.

Lost. Yeas 11, nays 12.

Those who voted in the affirmative are—

Messrs. Coleman, Cooper, Cunningham, Curtis, Edwards, Hamilton, Harris of Russell, Inzer, Moore, Royal and Walton—11.

Those who voted in the negative are—

Messrs. Black, Carmichael, Cobb, Driesbach, Farden, Harris of Lee, Little, Martin of Tuscaloosa, Parks, Robinson, Snodgrass and Terrell—12.

The Senate refused to adopt the amendment.

Mr. Terrell moved to strike out the 17th subdivision of section 102.

Carried. Yeas 12, nays 10.

Those who voted in the affirmative are—

Messrs. Black, Carmichael, Cobb, Driesbach, Farden, Harris of Lee, Little, Martin of Tuscaloosa, Parks, Robinson, Snodgrass and Terrell—12.

Those who voted in the negative are—

Messrs. Coleman, Cooper, Cunningham, Curtis, Edwards, Hamilton, Harris of Russell, Moore, Royal and Walton—10.

Mr. Farden moved to reconsider the vote striking out subdivision 17, section 102.

Carried.

The vote being again taken on the motion to strike out subdivision 17, section 102, it was lost.

Yeas 12, nays 14.

Those who voted in the affirmative are—

Messrs. Black, Carmichael, Cobb, Driesbach, Harris of Lee, Leftwich, Little, Martin of Tuscaloosa, Parks, Robinson, Snodgrass and Terrell—12.

Those who voted in the negative are—

Messrs. Coleman, Cooper, Cunningham, Curtis, Edwards, Farden, Glass, Green, Hamilton, Harris of Russell, Inzer, Moore, Royal and Walton—14.

Mr. Black moved to strike out the 18th subdivision, section 102.

Lost. Yeas 5, nays 17.

Those who voted in the affirmative are—

Messrs. Black, Carmichael, Curtis, Farden and Terrell—5.

Those who voted in the negative are—

Messrs. Cobb, Coleman, Cooper, Cunningham, Driesbach, Edwards, Hamilton, Harris of Lee, Inzer, Little, Martin of Tuscaloosa, Moore, Parks, Robison, Royal, Snodgrass and Walton—17.

Mr. Snodgrass moved to amend section 102, line 84, by inserting after "surgeons" the words "whose gross income exceeds one thousand dollars."

On motion of Mr. Cunningham, the motion was tabled.

On motion of Mr. Hamilton, the following words were added to subdivision 26, section 102, " Provided, that the owners or managers of theatres holding such license, must issue tickets of admission to all persons whom they admit to their exhibitions, and must thereon assign a particular seat to each such visitor in such part of said theatre as the convenience of said owners or managers may require."

On motion of Mr. Little, subdivision 33, section 102, was struck out.

Mr. Farden moved to substitute “ 25 ” for “ 50 ” in line 104, section 102.

On motion of Mr. Moore, the motion was tabled.

On motion of Mr. Black, subdivision 31 of section 102 was struck out.

On motion of Mr. Black, the words “one thousand” were substituted for “fifty” in subdivision 32 of section 131.

Yeas 14, nays 12.

Those who voted in the affirmative are—

Messrs. Black, Carmichael, Cobb, Cooper, Curtis, Edwards, Green, Harris of Lee, Harris of Russell, Inzer, Leftwich, Moore, Parks and Snodgrass—14.

Those who voted in the negative are—

Messrs. Coleman, Cunningham, Driesbach, Farden, Glass, Hamilton, Little, Martin of Tuscaloosa, Robinson, Royal, Terrell and Walton—12.

Mr. Robinson moved to strike out subdivision 29, section 102.

Mr. Black moved to amend the amendment by adding to the subdivision the words, “ or who keeps an intelligence office, or whose business it is to make contracts for laborers or servants of any class.”

The amendment to the amendment was tabled.

The subdivision was struck out.

Mr. Coleman moved to strike out of subdivision 8, section 103, “ \$100 ” and insert “\$300.”

On motion of Mr. Martin of Tuscaloosa, the motion was tabled.

Yeas 13, nays 11.

Those who voted in the affirmative are—

Messrs. Carmichael, Cunningham, Driesbach, Edwards, Farden, Hamilton, Inzer, Little, Martin of Tuscaloosa, Moore, Robinson, Royal and Walton—13.

Those who voted in the negative are—

Messrs. Black, Coleman, Cooper, Curtis, Glass, Green, Harris of Lee, Harris of Russell, Leftwich, Snodgrass and Terrell—11.

Sections 102 and 103 were adopted.

Mr. Farden moved to substitute “one hundred ” for “forty” in line 3, section 104.

On motion of Mr. Coleman, the motion was tabled.

On motion of Mr. Martin of Tuscaloosa, “ fifty ” was substituted for “forty” in line 3, section 104.

Sections 104 to 113, inclusive, were severally adopted.



On motion of Mr. Cobb, the word “ more” was substituted for “less’ in the 28th line of section 114.

Sections 115 to 124, inclusive, were adopted.

On motion of Mr. Hamilton, the following was adopted in lieu of section 125:

“ Sec. 125. Be it further enacted, That all laws and parts of laws, of a general character, raising revenue for this State, which are in conflict with the provisions of this act, be and the same are hereby repealed ; but the act entitled, an act to amend section 957 of the Revised Code, and the statutes providing for retaining in the several counties of this State their proportional share of the school fund, shall not be affected by the provisions thereof.”

On motion of Mr. Hamilton, the words “ and upon the gross income of sewing machine companies or their agencies in this State, after deducting rent and clerk hire actually paid, one per cent” were inserted after the word “services” in the 68th line of section ten.

The constitutional rule was suspended, the bill read the third time, and passed.

Yeas 14, nays 12.

Those who voted in the affirmative are—

Messrs. Carmichael, Coleman, Cunningham, Driesbach, Hamilton, Harris of Lee, Harris of Russell, Inzer, Little, Martin of Tuscaloosa, Moore, Parks, Snodgrass and Walton—14.

Those who voted in the negative are—

Messrs. Black, Cobb, Cooper, Curtis, Edwards, Farden, Glass, Green, Leftwich, Robinson, Royal and Terrell—12.

Mr Martin of Tuscaloosa, moved to reconsider the vote by which the bill passed.

On motion of Mr. Parks, the motion was tabled.

The bill was ordered to the House.

#### MESSAGE FROM THE GOVERNOR,

By his Private Secretary :

STATE OF ALABAMA,  
EXECUTIVE DEPARTMENT,  
MONTGOMERY, March 8, 1875.

Mr. President :

The Governor has approved the following bills which originated in the Senate :

S. B. 667. An act for the protection of savings banks and associations, in the payment of moneys deposited by minors and married women.

S. B. 435. An act to amend section 957 of the Revised Code.

S. B. 673. An act to regulate trials in county courts in this State.

S. B. 673. An act to prohibit the sale, or giving away of spirituous liquors, within three miles of R. J. Wood's copper mines at Stone Hill, on the line of Randolph and Cleburne counties.

S. B. 638. An act to extend the time within which persons holding allowed claims against the county of Perry may commence legal remedies to enforce collection and payment thereof.

S. B. 663. An act to prohibit the sale, or giving away of spirituous, vinous, or malt liquors within five miles of Ebenezer Baptist church, in the county of Macon.

S. B. 620. An act to prescribe the mode of granting license to sell intoxicating liquors in the county of Choctaw.

S. B. 390. An act to compel the courts of county commissioners of this State to carry into effect the provisions of chapter 3, part 4, title 2, of the Revised Code of Alabama providing for hard labor for the county.

Respectfully,

L. E. DAVIS,

Private Secretary.

Bills were introduced.

By Mr. Little—

S. B. 681. To regulate the collection of taxes on license in Sumter, Marengo, Montgomery and Barbour counties.

By Mr. Carmichael—

S. B. 682. To repeal an act to amend sections 3514, 3517 and 3518 of the Revised Code, so far as the same relates to the county of Dale, approved February 23, 1875.

By Mr. Cobb—

S. B. 684. To amend sections one, two and five of an act to incorporate the Grand Lodge of Free and Accepted Masons of the State of Alabama, and the subordinate lodges under its jurisdiction, approved December 9, 1859 ;

Which were severally read the first, second and third times, under a suspension of the constitutional rule, and passed.

By Mr. Royal—

S. B. 683. To authorize the court of county commissioners of Bullock county, to levy and collect a special tax to pay interest on county bonds ;

Which was read the first and second times, under a suspension of the constitutional rule, and referred to a select committee, composed of Messrs. Little, Inzer and Robinson.

By Mr. Moore—

S. B. 685. To authorize the board of mayor and aldermen of the city of Tusculmbia, to contribute to the rebuilding of the Deshler Female Institute building, in the city of Tusculmbia.

By Mr. Coleman—

S. B. 686. To protect inn keepers.

By Mr. Little—

S. B. 687. To license and regulate the keeping of inns and hotels, and in reference to houses of entertainment for boarders and transient persons.

By Mr. Moore—

S. B. 688. To repeal section 2066 of the Revised Code ; Which were severally read the first and second times, under a suspension of the constitutional rule , and referred to the Judiciary Committee.

On motion of Mr. Farden, at half past five o'clock the Senate adjourned.

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TUESDAY, March 9, 1875.

The Senate met pursuant to adjournment.

Prayer by Rev. Joseph Nelson.

Present—

Messrs. Carmichael, Coleman, Cunningham, Curtis, Dereen, Edwards, Glass, Golson, Green, Hamilton, Harris of Lee, Harris of Russell, Inzer, Leftwich, Little, Martin of Tuscaloosa, Moore, Robinson, Royal, Snodgrass and Walton—21.

The journal of yesterday was read and corrected.

The hour of 11 o'clock having arrived, the special orders were,

On motion of Mr. Farden, postponed till the call of the districts was completed.

#### CALL OF THE DISTRICTS.

Bills were introduced—

By Mr. Snodgrass—

S. B. 688½. To amend section 15 of an act to provide for the funding of the domestic debt of the State.

By Mr. Inzer—

S. B. 690. To appropriate six hundred dollars for the purpose of distributing the acts of the present session of the

General Assembly, and the journals of the Senate and House of Representatives.

Which were severally read the first and second times, under a suspension of the constitutional rule, and referred to the Finance Committee.

By Mr. Cobb—

S. B. 691. To regulate judicial sales made under decrees of chancery ;

Which was read the first, second and third times, under a suspension of the constitutional rule, and passed.

By Mr. Snodgrass—

S. B. 689. To render more explicit, and to provide for the better enforcement of the provisions of law in reference to the sale or giving away of spirituous, vinous, or malt liquors, in this State ;

Which was read the first and second times, under a suspension of the constitutional rule, and referred to the Judiciary Committee.

By Mr. Cobb—

S. B. 692. To fix and regulate the pay and mileage of the members of the General Assembly ;

Which was read the first and second times, under a suspension of the constitutional rule.

Mr. Terrell moved to make the provisions of the bill apply to the county of Shelby alone.

On motion of Mr. Carmichael, the amendment was tabled.

Mr. Martin of Tuscaloosa, moved to refer the bill to the Finance Committee.

Mr. Robinson moved to table the motion;

Lost—yeas 11, nays 17.

Those who voted in the affirmative are—

Messrs. Carmichael, Cobb, Cooper, Hamilton, Harris of Lee, Inzer, Leftwich, Little, Parks, Robinson and Snodgrass—11.

Those who voted in the negative are—

Messrs. Black, Coleman, Curtis, Dereen, Driesbach, Edwards, Farden, Glass, Golson, Green, Harris of Russell, Jones, Martin of Conecuh, Martin of Tuscaloosa, Moore, Terrell and Walton—17.

The hour of twelve o'clock having arrived—

Mr. Cobb moved to postpone the special orders till the call of the districts was completed.

Lost—yeas 20, nays 10.

Those who voted in the affirmative are—

Messrs. Black, Cobb, Cooper, Cunningham, Dereen, Driesbach, Edwards, Farden, Glass, Golson, Green, Hamilton, Har-

ris of Lee, Harris of Russell, Inzer, Jones, Little, Martin of Conecuh, Snodgrass and Walton—20.

Those who voted in the negative are—

Messrs. Carmichael, Coleman, Curtis, Leftwich, Martin of Tuscaloosa, Moore, Parks, Robinson, Royal and Terrell—10.

Mr. Terrell moved to postpone the first special orders to consider the bill calling a constitutional convention ;

Lost.

#### MESSAGE FROM THE HOUSE,

By Mr. Whitman:

#### HOUSE OF REPRESENTATIVES,

March 9, 1875

Mr. President:

I am instructed by a resolution of the House to request the Senate to return to the House the Senate bill—

S. B. 656. To prohibit the sale or giving away, or otherwise disposing of spirituous, vinous or malt liquors, within four miles of the Episcopal Church at Macon, Hale county.

The House has amended, as therein shown, and passed the following Senate bills :

S. B. 582. To empower and authorize the Governor to lease out or rent the penitentiary farm, together with such of the stock and other material as may be upon such farm, and to hire to such lessee convicts, not to exceed in number one hundred and thirty-five, and for a period not to exceed eight years.

S. B. 621. To authorize the corporate authorities of the city of Mobile to contract with the owners or lessees of the Mobile Water Works for the supply of water for public purposes.

The House has passed the Senate—

S. B. 642. Joint resolution to pay J. W. Jones for repairing roof of Senate Chamber.

ELLIS PHELAN,

Clerk.

The bill was taken up.

S. B. 644. To provide for the cancellation of the promise of the State to pay interest on the face of the obligations issued under authority of the act to provide for the funding of the domestic debt of this State, approved December 19th, 1873, as fast as the same are received into the treasury.

Mr. Terrell offered a substitute for the bill.

The Senate refused to adopt the substitute.

On motion of Mr. Cooper, the bill was postponed till Monday next, and made the special order for 12 o'clock.

Mr. Parks moved to reconsider the vote by which the Senate refused to adopt the substitute offered by Mr. Terrell.

The bill was taken up.

S B. 467. For the relief of the East Alabama and Cincinnati, and the Selma and Gulf Railroad Companies.

The pending amendment was adopted.

On motion of Mr. Terrell, it was made the special order for to-morrow at 12 o'clock, m.

The House bill was taken up—

H. B. 30. To declare a lien in favor of laborers, mechanics, and employees, and to provide for the enforcement thereof.

On motion of Mr. Cobb, it was referred to a select committee composed of Messrs. Little, Martin of Tuscaloosa, and Parks.

The Senate bill—

S. B. 274. To secure mechanics and employees of the different railroads in this State their wages.

Was taken from the table and referred to the same committee.

The House amendments were concurred in to the Senate bills—

S. B. 582. To empower and authorize the Governor to lease out or rent the penitentiary farm, together with such of the stock and other materials as may be upon such farm, and to hire to such lessee, convicts, not to exceed in number one hundred and thirty-five, and for a period not to exceed eight years.

S. B. 621. To authorize the corporate authorities of the city of Mobile to contract with the owners or lessees of the Mobile Water Works for a supply of water for public purposes.

S. B. 582. The caption of Senate bill 582 was amended by substituting “ one hundred ” for “ one hundred and thirty-five.”

The caption of Senate bill 621 was amended to read as follows :

S. B. 621. To authorize the corporate authorities of the city of Mobile to contract with certain water works companies therein named for the supply of water for public purposes.

The Senate bill was taken up—

S. B. 254. To provide for the calling of a convention to revise and amend the constitution of this State.

Mr. Parks moved to postpone till to-morrow, and make it the special order for eleven o'clock, and to have the preference of other orders, till disposed of.

On motion of Mr. Farden, the motion was amended by making the time 12 o'clock, m.

As amended, the motion prevailed.

The bill—

S. B. 639. To prescribe the mode in which the assessment of property in this State, shall be made ;

Was laid on the table.

The Senate bill was taken up—

S. B. 249. For the relief of Augustus A. Coleman, of Hale county.

The substitute reported by the Judiciary Committee, was adopted.

On motion of Mr. Cobb, it was ordered to the third reading, and made the special for 11 o'clock to-morrow.

The Senate resumed the

#### CALL OF THE DISTRICTS.

The bill, which was cut off by the special orders, was taken up—

S. B. 692. To fix and regulate the pay and mileage of members of the General Assembly.

The pending motion to refer prevailed.

Bills were introduced :

By Mr. Harris of Lee—

S. B. 693. To prohibit the sale of vinous, spirituous or other intoxicating liquors, except for sacramental purposes, within three miles of Union Chapel Church, in Lee county.

By Mr. Black—

S. B. 694. To authorize the court of county commissioners of Barbour county to compromise and settle the bonded indebtedness of said county issued in payment of stock subscribed by said county to the Vicksburg and Brunswick Railroad Company.

By Mr. Dereen—

S. B. 696. To amend section 77 of the Revised Code.

Also,

S. B. 697. To amend section three of an act in relation to the Southern Express Company.

By Mr. Hamilton—

S. B. 700. To define what vendors of liquor in the city of Mobile shall be held to be retailers, and required to procure license as retailers.

By Mr. Martin of Conecuh—

S. B. 701. For the relief of James M. K. Little, tax collector of Covington county ;

Which were severally read the first, second and third times, under a suspension of the constitutional rule, and passed.

Senate bills 700 and 701 were ordered forthwith to the House.

By Mr. Farden—

S. B. 695. To provide for the payment of coroners in this State.

By Mr. Hamilton—

S. B. 698. To amend section 2704 of the Revised Code.

By Mr. Hamilton—

S. B. 699. Ro relation to the exemption of property from levy and sale under judicial process in this State ;

Which were severally read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Judiciary.

#### ENROLLED BILLS.

Mr. Dereen, from the Committee on Enrolled Bills, reported the following correctly enrolled :

S. B. 642. Joint resolution to pay J. W. Jones for repairing roof of Senate Chamber.

Mr. Harris of Lee, from the same committee, reported the following correct :

S. B. 498½. An act for the reduction and funding of the debts of the city of Mobile to provide for the payment and security of revenue necessary to meet the annual expenses of said city, and its application to the same.

On motion of Mr. Farden, the Senate adjourned at three o'clock.

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WEDNESDAY, March 10, 1875.

The Senate met pursuant to adjournment.

Prayer by Rev. Joseph Nelson.

Present :

Messrs. Carmichael, Cobb, Coleman, Cooper, Cunningham, Curtis, Dereen, Driesbach, Edwards, Farden, Glass, Golson, Hamilton, Harris of Lee, Harris of Russell, Inzer, Jones, Little, Martin of Conecuh, Martin of Tuscaloosa, Moore, Robinson, Snodgrass, Terrell and Walton—25.

The journal of yesterday was read and approved.

Mr. Harris of Lee, by leave, introduced a joint resolution and memorial to Congress—



S. B. 702. In regard to the claim of the Publishing House of the Methodist Episcopal Church South for indemnity for the use of its buildings, machinery, stock, etc., in the year 1864 and 1865 ;

Which was read and adopted.

Mr. Robinson moved to reconsider the vote by which the bill was ordered to the House—

S. B. 700. To define what vendors of liquors, in the city of Mobile, shall be held to be retailers, and required to procure license as retailers.

The Senate refused to reconsider,

On motion of Mr. Dereen, the bill was returned to the House—

S. B. 656. To prohibit the sale, or giving away, or otherwise disposing of spirituous, vinous or malt liquors within four miles of the Episcopal Church at Macon, Hale county.

On motion of Mr. Little, the vote was reconsidered by which the bill passed—

S. B. 697. To amend section three of an act in relation to the Southern Express company.

It was recommitted to the Finance Committee.

Mr. Cooper, by leave, introduced a bill, with a petition—

S. B. 703. To require the settlements of county treasurers to be published at the courthouse door and in no other manner, unless by order of the commissioners court ;

Which was read the first and second times, under a suspension of the constitutional rule.

Mr. Inzer moved to make the provisions of the bill apply alone to Cherokee county.

The hour of 11 o'clock having arrived, the Senate proceeded to the consideration of the

#### SPECIAL ORDERS.

Mr. Cooper moved to suspend the special orders, till the bill before the Senate is disposed of.

Lost.

The first special order was the bill—

S. B. 461. To provide for the payment of such person or persons as may establish their right to compensation for services about selecting and securing title to the State of swamp and overflowed lands, and to permit the further prosecution of the suit now pending for that purpose under a special act of the General Assembly.

The pending question being the motion to reconsider the vote by which the substitute was adopted, it was lost.

Yeas 3, nays 21.

Those who voted in the affirmative are—

Messrs. Cobb, Jones and Little—3.

Those who voted in the negative are—

Messrs, Black, Coleman, Cooper, Cunningham, Curtis, Dereen, Driesbach, Edwards, Glass, Golson, Hamilton, Harris of Lee, Harris of Russell, Inzer, Martin of Conecuh, Martin of Tuscaloosa, Moore, Robinson, Snodgrass, Terrell and Walton—21.

Mr. Cobb moved to indefinitely postpone the bill.

Pending the consideration of the motion, the hour of twelve o'clock having arrived, the bill was taken up—

S. B. 254. To provide for the calling of a convention to revise and amend the constitution of this State.

The substitute reported by the committee was adopted.

On motion of Mr. Terrell, the blank in the second line of section one, was filled by inserting the words “ Tuesday after the first Monday in August, 1875.”

On motion of Mr. Coleman, the blanks in the third and fourth lines of section one, and the third line of section six, were filled by inserting the words “ first Monday in September, 1875.”

Mr. Dereen offered the following amendments :

1st. Strike out all after the words “ this State” in the fourth line of section three, down to and including the word “for” in the fifth line.

2d. Strike out all after the word “ viz:” in the sixth line of the third section and insert the following—

“One delegate from each of the counties of Butler, Chambers, Greene, Hale, Jackson, Lawrence, Lee, Limestone, Macon, Pickens, Pike, Russell, Talladega, Tallapoosa and Tuscaloosa; two additional delegates from the counties of Barbour, Bullock, Lowndes, Marengo, Madison, Perry, Sumter and Wilcox ; four additional delegates from each of the counties of Dallas and Montgomery; and five additional delegates from the county of Mobile.”

On motion of Mr. Terrell, the amendment was laid on the table.

Yeas 18—nays 8.

Those who voted in the affirmative are—

Messrs. Carmichael, Cobb, Coleman, Cooper, Cunningham, Driesbach, Edwards, Hamilton, Harris of Lee, Inzer, Little, Martin of Conecuh, Martin of Tuscaloosa, Moore, Robinson, Snodgrass, Terrell and Walton—18.

Those who voted in the negative are—

Messrs. Black, Curtis, Dereen, Farden, Glass, Golson, Harris of Russell and Royal—8.

On motion of Mr. Coleman, the blank in the tenth line of section four was filled by inserting the word "ten."

Mr. Farden moved to amend the third section by allowing an additional delegate to the counties of Bullock, Hale, Lowndes, Marengo, Perry, Wilcox, Dallas and Montgomery.

On motion of Mr. Terrell, the amendment was tabled.

On motion of Mr. Terrell, the first blank in the eighth line of section ten, was filled by inserting the word "thirty " ; the second blank in same line by inserting "sixty."

Mr. Coleman moved to strike out line five, after the word "allowed," and line six of section eight, and insert the words "The said delegates shall receive for their services three dollars per day and five cents per mile going to and returning from their residence."

On motion of Mr. Cooper, the amendment was tabled.

Yeas 16, nays 10.

Those who voted in the affirmative are—

Messrs. Cooper, Curtis, Dereen, Edwards, Farden, Glass, Golson. Harris of Lee, Jones, Martin of Conecuh, Martin of Tuscaloosa, Moore, Royal, Snodgrass, Terrell and Walton—16.

Those who voted in the negative are—

Messrs. Black, Carmichael, Cobb, Coleman, Cunningham, Hamilton, Harris of Russell, Inzer, Little and Robinson—10.

Mr. Farden moved to amend section three, line nine, by substituting "four" for "three," and line ten by substituting "four" for "five."

On motion of Mr. Coleman, the amendment was tabled.

Yeas 13, nays 5.

Those who voted in the affirmative are—

Messrs. Carmichael, Cobb, Coleman, Cunningham, Edwards, Hamilton, Harris of Lee, Martin of Conecuh, Martin of Tuscaloosa, Moore, Robinson, Snodgrass and Walton—13.

Those who voted in the negative are—

Messrs. Curtis, Dereen, Farden, Glass and Jones—5.

Mr. Farden moved to strike out " Butler" and " Limestone" in line seven, section three, and add one more delegate to Wilcox and Dallas ; substitute "four" for "five" in line ten, and allow Montgomery one more delegate.

On motion of Mr. Coleman, the amendment was tabled.

On motion of Mr. Martin of Tuscaloosa, the bill was ordered to a third reading and made the special order for 12 o'clock, m., to-morrow.

#### MESSAGE FROM THE HOUSE,

By Mr. Whitman—

HOUSE OF REPRESENTATIVES,  
March 10, 1875.

Mr. President :

The House has passed the following Senate bills :

S. B. 273. To amend section one of an act entitled an act to incorporate the Pensacola Railroad Contracting Company, approved February 16, 1867.

S. B. 142. To amend section 934 (799) of the Revised Code.

S. B. 214. To prohibit keepers of billiard tables on or connected with premises where liquor is sold, from knowingly permitting minors to play on such tables.

S. B. 297. To regulate the session and fix the compensation of the court of county commissioners for Montgomery county.

S. B. 299. To establish a board of revenue for Montgomery county.

And has originated and passed the following bill :

H. B. 711. To authorize the tax collector of Bullock county to receive county warrants in payment of county taxes.

ELLIS PHELAN,  
Clerk

ENROLLED BILLS.

Mr. Dereen, from the Committee on Enrolled Bills, reported the following correctly enrolled :

S. B. 273. An act to amend section one of an act entitled an act to incorporate the Pensacola Railroad Contracting Company, approved February 16, 1867.

S. B. 214. An act to prohibit keepers of billiard tables on, or connected with premises where liquor is sold from knowingly permitting minors to play on such tables.

S. B. 621. An act to authorize the corporate authorities of the city of Mobile to contract with certain water works companies, therein named, for the supply of water for public purposes.

Mr. Harris of Lee, from the same committee, reported the following as correctly enrolled.

S. B. 582. An act to empower and authorize the Governor to lease out or rent the penitentiary farm, together with such of the stock and other material as may be upon such farm, and to hire to such lessee convicts, not to exceed in number one hundred, and for a period not to exceed eight years.

S. B. 297. To regulate the sessions, and fix the compensation of the court of county commissioners for Montgomery county.

S. B. 299. To establish a board of revenue for Montgomery county.

MESSAGE FROM THE GOVERNOR,

By his Private Secretary.

STATE OF ALABAMA,  
EXECUTIVE DEPARTMENT,  
MONTGOMERY, March 9, 1875.

Mr. President :

The Governor has approved the following bills, which originated in the Senate—

S. B. 625. An act to authorize the courts of county commissioners of the State to provide field notes of the original Government surveys of all the lands in their respective counties.

S. B. 618. An act to amend section four of an act to preserve order at the China Grove Camp Ground, in the county of Dale.

S. B. 528. An act to provide summary remedies against defaulters to the public school fund.

S. B. 498½. An act for the reduction and funding of the debts of the city of Mobile, to provide for the payment and security thereof, and the raising of revenue necessary to meet the annual expenses of said city, and its application to the same.

S. E. 642. Joint resolution to pay J. W. Jones for repairing roof of Senate Chamber.

Respectfully,

L. R. DAVIS,  
Private Secretary.

On motion of Mr. Cobb, the further consideration was postponed till the other pending special orders were disposed of, of the bill—

S. B. 461. To provide for the payment of such person or persons as may establish their right to compensation for services about selecting and securing title to the State of swamp and overflowed lands, and to permit the further prosecution of the suit now pending for that purpose under a special act of the General Assembly.

Mr. Cooper, from the Committee on Municipal and County Organizations, reported favorably to the House bill—

H. B. 298. To define the lines of the corporate limits of the town of Gadsden in Etowah county ;

Which was read the third time, under a suspension of the constitutional rule, and passed, and ordered to the House.

Mr. Little, from the Select Committee, reported favorably, with amendments, to the House bill—

H. B. 33. To declare a lien in favor of laborers, mechanics, and employees, and to provide for the enforcement thereof.

Amend section three, line four, by substituting the words “the hire and wages” for “debts.” After the word “for,” in same line, insert “labor and.” After the word “crop,” in the fifth line, insert “under any contract for such labor and services.”

Add the following words to section three : “ Provided, That whenever it becomes necessary for an agricultural laborer, or superintendent of a plantation, to resort to this suit at law to enforce the collection of a debt due him for his hire or wages, and a suit of attachment, either original or ancillary, shall have been sued out and levied upon the crop raised and cultivated in whole or in part by such laborer or superintendent of a plantation, the sheriff, or other officer, in making the levy of such attachment, shall not attach a greater portion of the said crop than is sufficient to satisfy the claim of said laborer or superintendent of a plantation, together with the costs of said suit.”

The amendments were adopted, the constitutional rule was suspended, the bill read the third time, passed, and ordered to the House.

Mr. Cunningham, from the Committee on Finance, reported favorably to the House bill—

H. B. 319. For the relief of M. N. Killebrew & Son of the county of Dale ;

Which was read the third time, under a suspension of the constitutional rule, and passed.

Mr. Martin of Tuscaloosa, by leave, introduced a bill—

S. B. 704. To fix the time for holding the next election for municipal officers in the city of Selma ;

Was read the first, second and third times, under a suspension of the constitutional rule, and passed, and ordered to the House.

The bill—

S. B. 249. To authorize a rehearing in the case of Chisholm vs. Coleman, decided in January term, 1869, by the supreme court of this State ;

Was read the third time and passed—yeas 15, nays 4.

Those who voted in the affirmative are—

Messrs. Carmichael, Cobb, Cooper, Curtis, Driesbach,

Farden, Glass, Hamilton, Harris of Russell, Little, Martin of Conecuh, Martin of Tuscaloosa, Robinson, Snodgrass and Walton— 5.

Those who voted in the negative are—  
Messrs. Edwards, Harris of Lee, Inzer and Moore—4.

MESSAGE FROM THE HOUSE,

By Mr. Phelan :

HOUSE OF REPRESENTATIVES,  
March 10, 1875.

Mr. President:

The House has originated and passed the following bill :

H. B. 723. To authorize and require the Auditor to draw his warrant in favor of John G. Bass, the warden of the penitentiary, for the sum of \$500 ; and ordered it to be sent at once to the Senate without engrossment.

ELLIS PHELAN,  
Clerk.

The House bill was taken up—

H. B. 723. To authorize and require the Auditor to draw his warrant on the Treasurer in favor in Jno. G. Bass, warden of the penitentiary, for \$500 ;

Which was read the first, second and third times, under a suspension of the constitutional rule, and passed, and ordered to the House.

On motion of Mr. Martin of Conecuh, at half past two o'clock, the Senate adjourned.

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THURSDAY, March 11, 1875.

The Senate met pursuant to adjournment.

Prayer by Rev. Joseph Nelson.

Present—

Messrs. Cobb, Coleman, Cooper, Cunningham, Curtis, Driesbach, Edwards, Glass, Golson, Hamilton, Harris of Lee, Harris of Russell, Inzer, Jones, Leftwich, Little, Martin of Conecuh, Martin of Tuscaloosa, Moore, Robinson, Snodgrass, Terrell and Walton— 23.

The journal of yesterday was read and approved.

Indefinite leave of absence was granted to Messrs. Carmichael and Royal on account of sickness.

Mr. Inzer introduced a bill—

S. B. 705. To authorize surgeons and physicians to practice their professions without obtaining a license ;

Which was read the first and second times, under a suspension of the constitutional rule.

Mr. Cooper moved to amend by inserting "dentists and lawyers " after physicians in the second line of section one.

On motion of Mr. Walton the bill and amendments were laid on the table.

Yeas 14, nays 10.

Those who voted in the affirmative are—

Messrs. Coleman, Cooper, Cunningham, Curtis, Dereen, Edwards, Golson, Hamilton, Harris of Lee, Harris of Russell, Martin of Conecuh, Moore, Parks and Walton—14.

Those who voted in the negative are—

Messrs. Cobb, Driesbach, Farden, Inzer, Leftwich, Little, Martin of Tuscaloosa, Robinson, Snodgrass and Terrell—10.

The hour of 11 o'clock having arrived, the bill was taken up—

S. B. 461. To provide for the payment of such person or persons as may establish their right to compensation for services about selecting and securing title to the State of swamp and overflowed lands, and to permit the further prosecution of the suit now pending for that purpose, under a special act of the General Assembly.

On motion of Mr. Cobb, the bill was made the special order for 11 o'clock to-morrow.

#### MESSAGE FROM THE HOUSE,

By Mr. Woods—

#### HOUSE OF REPRESENTATIVES,

March 11, 1875.

Mr. President:

The House has originated and passed the following bill—

H. B. 724. To prevent " scalage " in weighing cotton bales, and also to require bales of cotton to be weighed on scales having one pound notches.

And has passed Senate bill—

S. B. 603. To remove the county of Tuscaloosa from the western chancery division to the middle chancery division of the State, and to fix the time of holding the courts therein.

ELLIS PHELAN,  
Clerk.



## ENROLLED BILLS.

Mr. Dereen, from the committee on Enrolled Bills, reported the following as correctly enrolled :

S. B. 603. An act to remove the county of Tuscaloosa from the western chancery division to the middle chancery division of the State, and to fix the times of holding the courts therein.

S. B. 142. An act to amend section 934 (799) of the Revised Code.

## MESSAGE FROM THE GOVERNOR,

By his Private Secretary—

STATE OF ALABAMA,  
EXECUTIVE DEPARTMENT,  
Montgomery, March 10, 1875.

Mr. President :

The Governor has approved the following bills, originating in the Senate :

S. B. 654. An act to prohibit the sale, or giving away, or otherwise disposing of spirituous, vinous, or malt liquors within three miles of Union church and the public school house, in beat No. 7, Hale county.

S. B. 621. An act to authorize the corporate authorities of the city of Mobile to contract with certain water works companies therein named for the supply of water for public purposes.

S. B. 582. An act to empower and authorize the Governor to lease out or rent the penitentiary farm, together with such of the stock and other material as may be upon such farm, and to hire to such lessee convicts, not to exceed in number one hundred, and for a period not to exceed eight years.

Respectfully,

L. R. DAVIS,  
Private Secretary.

## CALL OF THE DISTRICTS.

Bills were introduced :

By Mr. Martin of Tuscaloosa—

S. B. 706. To regulate suits by mandamus in the courts of this State ;

Which was read the first and second times, under a suspension of the constitutional rule, and referred to the Judiciary Committee.

By Mr. Cunningham—

S. R. 707. Joint resolution for the pay of J. R. Wing and others ;

Which was read the first and second times, under a suspension of the constitutional rule, and passed.

By Mr. Robinson—

S. B. 708. To define what vendors of liquors in the incorporated towns and cities of this State shall be held to be retailers, and required to procure license as retailers ;

Which was read the first and second times, under a suspension of the constitutional rule.

Mr. Cooper moved to lay the bill on the table.

Lost. Yeas 8, nays 16.

Those who voted in the affirmative are—

Messrs. Cooper, Dereen, Farden, Harris of Lee, Harris of Russell, Leftwich, Martin of Conecuh and Walton—8.

Those who voted in the negative are—

Messrs. Cobb, Coleman, Cunningham, Curtis, Driesbach, Edwards, Golson, Hamilton, Jones, Little, Martin of Tuscaloosa, Moore, Parks, Robinson, Snodgrass and Terrell—16.

Mr. Martin of Conecuh moved to strike out the word “ incorporated.”

The hour of 12 o'clock having arrived, the bill—

S. B. 254. To provide for the calling of a convention to revise and amend the constitution of this State,

Was read the third time and passed.

Yeas 18, nays 6.

Those who voted in the affirmative are—

Messrs. Cobb, Coleman, Cooper, Driesbach, Edwards, Hamilton, Harris of Lee, Harris of Russell, Inzer, Little, Martin of Conecuh, Martin of Tuscaloosa, Moore, Parks, Robinson, Snodgrass, Terrell and Walton—18.

Those who voted in the negative are—

Messrs. Curtis, Dereen, Farden, Golson, Jones and Leftwich—6.

Mr. Martin of Tuscaloosa, moved to reconsider the vote by which the bill passed.

On motion of Mr. Farden, the motion was tabled.

The bill was taken up—

S. B. 567. For the relief of the East Alabama & Cincinnati, and Selma & Gulf Railroad Companies.

Mr. Cobb moved to indefinitely postpone the bill.

Lost. Yeas 12, nays 12.

Those who voted in the affirmative are—

Messrs. Cobb, Coleman, Cooper, Cunningham, Hamilton,

Harris of Lee, Little, Martin of Tuscaloosa, Moore, Parks, Snodgrass and Walton—12.

Those who voted in the negative are—

Messrs. Curtis, Dereen, Driesbach, Edwards, Golson, Harris of Russell, Inzer, Jones, Leftwich, Martin of Conecuh, Robinson and Terrell—12.

Mr. Robinson moved to order the bill to a third reading and make it the special order for 12 o'clock, m., to-morrow.

Lost. Yeas 11, nays 14.

Those who voted in the affirmative are—

Messrs. Curtis, Dereen, Driesbach, Farden, Golson, Harris of Russell, Jones, Leftwich, Martin of Conecuh, Robinson and Terrell—11.

Those who voted in the negative are—

Messrs. Cobb, Coleman, Cooper, Cunningham, Edwards, Hamilton, Harris of Lee, Inzer, Little, Martin of Tuscaloosa, Moore, Parks, Snodgrass and Walton—14.

The Senate resumed the consideration of the bill—

S. B. 708. To define what vendors of liquor, in the incorporated towns and cities of this State, shall be held to be retailers, and required to procure license as retailers.

Mr. Terrell moved to table the pending amendment.

Lost.

Mr. Terrell moved to indefinitely postpone the amendment.

Lost. Yeas 10—nays 11.

Those who voted in the affirmative are—

Messrs. Cobb, Coleman, Cunningham, Harris of Lee, Inzer, Little, Robinson, Snodgrass, Terrell and Walton—10.

Those who voted in the negative are—

Messrs. Cooper, Dereen, Edwards, Farden, Golson, Harris of Russell, Jones, Martin of Conecuh, Martin of Tuscaloosa, Moore and Parks—11.

On motion of Mr. Cooper, the bill and amendment were indefinitely postponed.

Bills were introduced.

By Mr. Inzer—

S. B. 709. To authorize the Elyton Land Company, incorporated under the general laws of this State, to borrow money by the issue and sale of its bonds, secured by pledge or mortgage of its property.

By Mr. Terrell—

S. B. 70. To detach the chancery district composed of the county of Coosa from the Middle Chancery Division, and attach such district to the Eastern Chancery Division.

Also,

S. B. 711. To prescribe the time of holding the chancery court of the chancery district composed of the county of Coosa, in the Eastern Chancery Division of this State, and to number said district.

By Mr. Curtis—

S. B. 713. To authorize the Marion Savings Bank to reduce its capital stock.

By Mr. Hamilton—

S. B. 714. To declare the effect upon prosecutions, then pending, of the repeal of statutes authorizing such prosecutions.

By Mr. Parks—

S. B. 716. For the relief of Stephen D. Bashing, of Pike county ;

Which were severally read the first, second and third time, under a suspension of the constitutional rule, and passed, and ordered forthwith to the House.

By Mr. Farden—

S. B. 712. For the relief of Robert Parker, late coroner of the county of Montgomery ;

Which was read the first and second times, under a suspension of the constitutional rule.

Mr. Robinson moved to strike out the words "commissioners' court," and insert " board of revenue," and to insert after the word "authorized," in the sixth line of section one, the words, " it they see proper so to do."

The amendment was adopted.

Mr. Robinson moved to lay the bill on the table.

Lost. Yeas 6—nays 13.

Messrs. Cobb, Coleman, Cunningham, Harris of Lee, Little and Robinson— 6.

Those who voted in the negative are—

Messrs. Cooper, Curtis, Dereen, Driesbach, Farden, Glass, Hamilton, Harris of Russell, Inzer, Jones, Leftwich, Martin of Conecuh, and Snodgrass — 13.

On motion of Mr. Farden, it was ordered to a third reading, and made the special order for 12 o'clock to-morrow.

By Mr. Driesbach—

S. B. 715. To encourage reclaiming swamp lands in Alabama, by utilizing the same, and manufacturing the palm fibrous plant, grasses and other products thereof, into material for paper making, and other ornamental and useful work.

Which was read the first and second times, under a suspension of the constitutional rule, and referred to the Judiciary Committee.

On motion of Mr. Dereen, at half-past two o'clock, the Senate adjourned.

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FRIDAY, March 12, 1875.

The Senate met pursuant to adjournment.

Prayer by Rev. L. M. Wilson.

Present—

Messrs. Cobb, Cunningham, Curtis, Dereen, Driesbach, Edwards, Farden, Glass, Golson, Hamilton, Harris of Lee, Harris of Russell, Inzer, Jones, Leftwich, Little, Martin of Conecuh, Martin of Tuscaloosa, Moore, Parks, Robinson, Snodgrass and Walton—23.

The journal of yesterday was read and approved.

On motion of Mr. Dereen, the call of the districts was suspended to take up

#### HOUSE MESSAGES.

The House bill—

H. B. 721. To secure the more faithful collection of the poll tax in this State ;

Was read the first and second times, under a suspension of the constitutional rule.

Mr. Farden moved to amend by adding the words : “ That for such service the tax collector shall receive \$25 out of the poll tax fund of the county.”

On motion of Mr. Robinson, the amendment was tabled.

The constitutional rule was farther suspended, the bill read the third time, and passed.

#### MESSAGE FROM THE HOUSE,

By Mr. Whitman :

HOUSE OF REPRESENTATIVES,  
March 12, 1875.

Mr. President :

The House has passed the following Senate bill :

S. B. 575. To require the commissioners' court of Talladega county to let the contract for medical treatment of the inmates of the poor house of said county, annually, to the lowest bidder therefor.

S. B. 172. To preserve elections from political interferen-

ces by preventing any chancellor, chancery court, or other officer having chancery powers, from exercising chancery jurisdiction over any matter appertaining to any election in this State.

S. B. 234. To declare the manner in which notice of the levy of an attachment, mentioned in the act to regulate the trial of attachment cases, approved December 17, 1873, shall be given.

S. B. 29. To create and provide for the, punishment of the crime of seduction.

S. B. 219. To repeal an act entitled "an act to amend section 2931 of the Revised Code of Alabama," approved September 16, 1868.

S. B. 82. To amend section 4087 of the Revised Code.

S. B. 494. To prohibit the sale or giving away of vinous, spirituous or malt liquors within four miles of Wiseville Post Office, in Morgan county, Thomasville, in Bullock, and Gaylesville, in Cherokee counties.

S. B. 107. To prohibit the sale, gift or barter of intoxicating liquors within four miles of Bethany Baptist Church, and Colerine Academy, in Lowndes county,

S. B. 366. To prohibit the sale or otherwise disposing of vinous, spirituous or other intoxicating liquors within five miles of Hebron and Mount Bethel Churches, in Cherokee county.

S. B. 474. To prohibit the sale of vinous or spirituous liquors within five miles of Ebenezer and New Hope churches, in Cherokee county.

S. B. 397. To amend section one of an act to prevent the sale, giving away, or otherwise disposing of spirituous, vinous or malt liquors, within four miles of Hopewell Baptist Church, and the Magnolia Academy, in Lowndes county.

S. B. 314. To prohibit the sale, barter, giving away, or in any manner disposing of any spirituous, vinous, malt, or other intoxicating liquors, within an area of two miles of Pond Spring Church, in Lawrence county.

S. B. 473. To prohibit the sale or barter of vinous, spirituous, or malt liquors, within one mile of Indian Hill Factory, in Autauga county, extending east, however, only to the corporate limits of the town of Prattville.

S. B. 466. To prevent the sale or otherwise disposing of vinous or spirituous liquors within two miles of the Male Academy, in the town of Bluffton, in Chambers county.

And has amended, as therein shown, and passed the following Senate bill :

S. B. 636. To provide for the publication of the decisions of the supreme court.

S. B. 358. To authorize trustees to make investments of trust funds beyond this State.

S. B. 166. To repeal an act to regulate the fees of constables in the counties of Marengo and Dallas, so far as relates to the county of Dallas.

S. B. 84. To regulate the term of service of jurors.

S. B. 428. To prevent the use of abusive, insulting or vulgar language, in the presence of families and females.

And has passed, without amendment, the following Senate bills :

S. B. 365. To prohibit the selling or otherwise disposing of spirituous or other intoxicating liquors within five miles of Sterling Mills, and the Methodist Church and school house near thereto, in Cherokee county.

S. B. 521. To repeal an act to amend section 4063 of the Revised Code of Alabama, approved December 31, 1868.

ELLIS PHELAN,  
Clerk.

The House joint resolution, in regard to adjournment, was read.

On motion of Mr. Parks, it was laid on the table.

#### MESSAGE FROM THE GOVERNOR,

By his Private Secretary :

STATE OF ALABAMA,  
EXECUTIVE DEPARTMENT,  
MONTGOMERY, March 12, 1875.

Mr. President :

The Governor has approved the following bills originating in the Senate :

S. B. 273. An act to amend section one of an act entitled an act to incorporate the Pensacola Railroad Contracting Company, approved February 16, 1867.

S. B. 214. An act to prohibit keepers of billiard tables on, or connected with premises where liquor is sold, from knowingly permitting minors to play on such tables.

S. B. 603. An act to remove the county of Tuscaloosa from the Western Chancery Division to the Middle Chancery Division of the State, and fix the time of holding the courts therein.

S. B. 299. An act to establish a board of revenue for Montgomery county.

S. B. 297. An act to regulate the sessions and fix the com-

pensation of the court of county commissioners of Montgomery county.

S. B. 142. An act to amend section 934 of the Revised Code.

Very respectfully,

L. R. DAVIS,  
Private Secretary.

MESSAGE FROM THE HOUSE,

By Mr. Whitman :

HOUSE OF REPRESENTATIVES,  
March 12, 1875.

Mr. President :

The House has originated and passed the following bills :

H. B. 114. To create alien in favor of the owners of stallions and jacks for the amount of the season for such stallion and jack.

H. B. 438. To regulate the publication of legal notices in this State.

H. B. 680. To prevent the selling, giving away or otherwise disposing of spirituous, malt or vinous liquors, with five miles of Orrville, Dallas county.

H. B. 354. To prohibit the sale of vinous or spirituous liquors within three miles of Tabernacle Church, in Pickens county.

H. B. 293. To prohibit the sale or giving away of vinous, spirituous or malt liquors, within four miles of Good Hope Church, and Academy, in Butler county.

H. B. 235. To regulate proceedings in the probate and chancery courts, or other courts having chancery jurisdiction, when the estate of a deceased party must be represented and there is no executor or administrator of such estate, or such executor or administrator is interested adversely thereto.

H. B. 430. To prohibit the sale, giving away, or otherwise disposing of any vinous, malt or spirituous liquors, within two miles of Soule Chapel Methodist Episcopal Church, situated near Waverly, in Chambers county.

H. B. 399. To require persons who post estray stock in the county of Winston, when the same are not redeemed, to pay one half of the value in current funds.

H. B. 701. To regulate the practice in the city court of Montgomery.

H. B. 147. To prohibit the sale, giving away, or otherwise disposing of spirituous, vinous or malt liquors, within two



and a half miles of the Coosa Valley Baptist Church, in the county of St. Clair.

H. B. 698. To regulate the business to be transacted at the summer or July terms of the city court of Montgomery.

H. B. 611. To amend section one of an act to prevent the sale of spirituous liquors within one and a half miles, in any direction, of the Academy in the town of Roanoke, Randolph county, Alabama, approved February 17, 1873.

H. B. 7. To prevent excessive charges of railroad companies.

H. B. 411. To limit the ex-officio fees of the judge of probate, clerk of circuit court, and sheriff of Winston county.

H. B. 405. To prohibit the sale of vinous or spirituous liquors within two miles of Bethlehem Baptist Church, in Tallapoosa county.

H. B. 272. To prohibit the sale of vinous, spirituous or malt liquors, within two miles of Lee Institute, in the county of Tuscaloosa.

H. B. 217. To prohibit the sale, giving away or otherwise disposing of any spirituous, vinous or malt liquors, or any intoxicating bitters, within one mile of the town of Frankfort', in Franklin county.

H. B. 584. To repeal section 4240 of the Revised Code of Alabama.

H. B. 311. To prohibit the sale, giving away or barter of intoxicating liquors, within three miles of the Methodist Episcopal Church South, located at Mt. Pleasant, beat five, in Crenshaw county.

H. B. 590. To prohibit the sale of vinous, spirituous or malt liquors, within two miles of the Grange Hall, and Church, at Oleander, Marshall county, Alabama.

H. B. 420. To preserve order and to prohibit the sale of liquors at and near the Wilkey Spring Camp Ground, in the county of Barbour.

H. B. 304. To prohibit the sale, giving away or otherwise disposing of any spirituous, vinous or malt liquors, or any intoxicating bitters, within one mile and a half of the town of Cherokee, in Colbert county.

H. B. 704. For the relief of John S. C. Glenn, tax collector of Elmore county.

H. B. 300. To authorize the removal from office of county and municipal officers for misconduct in office.

H. B. 654. In relation to trials for misdemeanors in Tuscaloosa, and other counties therein named.

ELLIS PHELAN,  
Clerk.

The Senate concurred in the House amendments to the Senate bills—

S. B. 600. To fix the number of the officers of the penitentiary and their compensation.

S. B. 636. To provide for the publishing of the decisions of the supreme court.

S. B. 84. To regulate the term of service of jurors.

S. B. 428. To prevent the use of abusive, insulting or vulgar language in the presence of families and females.

S. B. 234. To declare the manner ill which notice of the levy of an attachment, mentioned in the act entitled "an act to regulate the trial of attachment cases, approved December, 17, 1873," shall be given.

The Senate refused to concur in the House amendments to the Senate bills—

S. B. 166. To repeal an act to regular the fees of constables in the counties of Marengo and Dallas, so far as relates to Dallas.

S. B. 358. To authorize trustees to make investments of trust funds beyond this State.

#### SPECIAL ORDER.

The hour of 11 o'clock having arrived the Senate proceeded to the consideration of the special order, which was the bill —

S. B. 461. To provide for the payment of such person or persons as may establish their right to compensation for services about selecting and securing title to the State of swamp and overflowed lands, and to permit the further prosecution of the suit now pending for that purpose under a special act of the General Assembly.

Mr. Cobb moved to strike out the words "must within one year from the approval of this act."

On motion of Mr. Moore, the motion was tabled.

The constitutional rule was suspended, the bill read the third time, passed, and ordered forthwith to the House.

The House bills—

H. B. 720. To prohibit the sale or other disposition of intoxicating liquors, within five miles of Perdido Union church, near the line between the counties of Baldwin and Escambia.

H. B. 717. To regulate the election of beat officers in Choctaw county.

H. R. 659. Joint resolution to provide for the settlement of the accounts of Dr. M. G. Moore, late warden of the penitentiary.

H. B. 605. To declare William M. Green, a liner between Pike and Bullock counties, a citizen of Pike county, Alabama.

H. B. 576. To provide for the liquidation of the unpaid claims against the county of Coosa.

H. B. 704. For the relief of John S. C. Glenn, tax collector of Elmore county.

H. B. 701. To regulate the practice in the city court to Montgomery.

H. B. 680. To prevent the selling, giving away, or other disposition of spirituous, malt or vinous liquors within five miles of Orville, Dallas county.

H. B. 147. To prohibit the sale, giving away, or other disposition of spirituous, vinous or malt liquors within two and a half miles of the Coosa Valley Baptist church, in the county of St. Clair.

H. B. 217. To prohibit the sale, giving away, or otherwise disposing of spirituous, vinous or malt liquors, or any intoxicating bitters, within one mile of the town of Frankfort, in Franklin county.

H. B. 7. To prevent excessive charges by railroad companies.

H. B. 293. To prohibit; the sale or giving away of vinous, spirituous or malt liquors within four miles of Good Hope church and academy, in Butler county.

H. B. 304. To prohibit the sale, giving away, or otherwise disposing of any spirituous, vinous or malt liquors, or any intoxicating bitters, within one mile and a half of the town of Cherokee, in Calhoun county.

H. B. 593. To pay F. Titcomb seventy-eight dollars for thirteen days services as sergeant-at-arms of the House in 1872.

H. B. 311. To prohibit the sale, giving away, or barter of intoxicating liquors within three miles of the Methodist Episcopal church South, located at Mount Pleasant, beat 5, in Crenshaw county.

H. B. 354. To prohibit the sale of vinous or spirituous liquors within three miles of Tabernacle church, in Pickens county,

H. B. 399. To require persons who post estray stock in the county of Winston, when the same are not redeemed, to pay one-half of the value in current funds.

H. B. 405. To prohibit the sale of vinous or spirituous liquors within two miles of Bethlehem Baptist church in Talapoosa county.

H. B. 411. To limit the ex-officio fees of the judge of probate, clerk of circuit court and sheriff of Winston county.

H. B. 420. To preserve order, and to prohibit the sale of liquors at and near the Wilkey Spring camp ground, in the county of Barbour.

H. B. 430. To prohibit the sale, giving away, or otherwise disposing of any vinous, malt or spirituous liquors within two miles of Soule Chapel Methodist Episcopal church, situated near Waverly in Chambers county.

H. B. 438. To regulate the publication of legal notices in this State.

H. B. 590. To prohibit the sale of vinous, spirituous or malt liquors within two miles of the Grange Hall and church at Oleander, Marshall county, Alabama.

H. B. 611. To amend section one of an act to prevent the sale of spirituous liquors within one and a half miles, in any direction, of the academy in the town of Roanoke, Randolph county, Alabama, approved February 17, 1873 ;

Were severally read the first, second and third times, under a suspension of the constitutional rule and passed.

The House bill—

H. B. 660. To refund to Josiah Morris & Co. money advanced by them to M. G. Moore, late commissioner to settle claims of the penitentiary, and used to meet current expenses ;

Was read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on the Penitentiary.

The House bills—

H. B. 653. To authorize and require grand juries of the different counties of this State to return all indictments for misdemeanors to the county courts, and to direct the disposition and trial thereof.

H. B. 584. To repeal section 4240 of the Revised Code.

H. B. 300. To authorize the removal from office of county and municipal officers for misconduct in office.

H. B. 235. To regulate proceedings in the probate and chancery courts, or other courts having chancery jurisdiction, where the estate of a deceased party must be represented, and there is no executor or administrator of such estate, or such executor or administrator is interested adversely thereto.

H. B. 724. To prevent "scalage" in weighing cotton bales, and also require bales of cotton to be weighed on scales having one pound notches.

H. B. 727. To prescribe and regulate the duties of the judge of the county court of Wilcox county, in relation to

persons convicted and sentenced to hard labor in said county.

H. B. 698. To regulate the business to be transacted at the summer or July terms of the city court of Montgomery ;

Were severally read the first and second times, under a suspension of the constitutional rule, and referred to the Judiciary Committee.

The House bill—

H. B. 654. In relation to trials for misdemeanors in Tuscaloosa and other counties therein named ;

Was read the first and second times, under a suspension of the constitutional rule.

On motion of Mr. Martin of Tuscaloosa, the following amendment was adopted:

" Provided, that the clerk of the circuit court shall be the clerk of said county court, and shall do and perform all such acts as may be required of him by law as the clerk thereof, and shall receive all such fees as are now or may be allowed him for such services as clerk of the circuit court."

The bill was further amended by striking out the counties of Sumter, Russell and Calhoun, and adding the county of Butler.

The bill was referred to the Judiciary Committee.

The House bill—

H. B. 272. To prohibit the sale of vinous, spirituous or malt liquors within two miles of Lee Institute, in the county Tuscaloosa;

Was read the first and second times, under a suspension of the constitutional rule.

On motion of Mr. Martin of Tuscaloosa, the following proviso was added to section one:

"Provided further, that nothing herein contained shall prevent the sale of spirituous, malt or vinous liquors at a point or place upon the line of the Alabama & Chattanooga Railroad, known as ' Smallwood,' in the county of Tuscaloosa, and within an area around said place of five hundred yards."

The constitutional rule was further suspended, the bill read the third time and passed.

The hour of 12 o'clock having arrived, the bill was taken up—

S. B. 712. For the relief of Robert Parker, late coroner of the county of Montgomery :

And read the third time.

On motion of Mr. Little, it was referred to the Committee on Local Legislation.

On motion of Mr. Farden, the committee were instructed to report to-morrow.

The House bills—

H. B. 469. To incorporate the town of Central Institute, in Elmore county.

H. B. 690. To amend section five of an act entitled an act to amend the corporation laws of Alabama, approved August 12, 1868 ;

Were severally read the first and second times, under a suspension of the constitutional rule, and referred., to the Committee on Municipal and County Organizations.

The House bill—

H. B. 711. To authorize the tax. collector of Bullock county to receive county warrants in payment of county taxes ;

Was read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Local Legislation.

The House bill—

H. B. 114. To create a lien in favor of the owners of stallions and jacks, for the amount of the season for such stallion and jack;

Was read the first and second times, and a suspension of the constitutional rule, and referred to the Committee on Privileges and Elections.

Mr. Cooper, from the Committee on Temperance, reported favorably to the House bill—

H. B. 157. To authorize probate judges in the counties of Jackson, Clarke, Shelby, Randolph, Coosa, Russell, Winston, Fayette, Tallapoosa, Cleburne, Lowndes, Lawrence, Tuscaloosa, Monroe, Limestone, Marion, De Kalb, St. Clair, Calhoun, Sanford, Jefferson, Choctaw, Colbert, Franklin, Greene, Marshall, Baldwin, Cherokee, Clay, Lauderdale and Chilton, to order elections in certain cases, to prevent the sale or giving away, or other disposition of vinous or spirituous liquors within certain limits in such counties.

Mr. Terrell moved to amend by striking out the counties of Tallapoosa, Lowndes, Russell, Franklin, Colbert, Lawrence, Chilton, Macon, Choctaw and Greene.

Mr. Black moved to lay the amendment on the table.

Lost.

Mr. Jones moved to amend the amendment by striking out Lowndes.

Lost.

The amendment was adopted.

On motion of Mr. Terrell, the bill was laid on the table.

On motion of Mr. Cobb, the regular order of business was

suspended to allow committees to report in, regular order, commencing with the Committee on Municipal and County Organizations.

Mr. Parks, from said committee, reported favorably to the House bills—

H. B. 343. To declare A. D. McNeil, Luke Croley, William Lane, J. M. Crawford and B. T. Johnson, of the county of Escambia, citizens of the county of Monroe.

H. B. 639. To change the name of Elisha H. Pool, an infant of Coffee county, to Elisha H. P. Simmons.

H. B. 379. To require all persons holding claims or warrants on the treasury of Winston county to have the same registered.

H. B. 380. To reduce the per diem of the county commissioners of Winston county, and to authorize the commissioners court to levy a special tax to pay off the commissioners court, and to purchase blank records and stationery for the use of said county ;

Which were severally read the third time, under a suspension of the constitutional rule, and passed.

Also, favorably to the House bill—

H. B. 59. To change the boundary line between the counties of Perry and Bibb ;

Which was read the third time, under a suspension of the constitutional rule, and lost.

Yeas 13, nays 13.

Those who voted in the affirmative are—

Messrs. Cobb, Cunningham, Driesbach, Edwards, Grayson, Hamilton, Harris of Leo, Little, Martin of Conecuh, Martin of Tuscaloosa, Parka, Robinson and Terrell —13.

Those who voted in the negative are —

Messrs. Black, Cooper, Curtis, Dereen, Farden, Glass, Golsen, Harris of Russell, Inzer, Jones, Leftwich, Moore and Walton—13.

Mr. Little offered the following resolution, which was adopted:

Resolved, that a committee of three be appointed by the President of the Senate, to inquire into and investigate how the contingent fund has been disbursed and disposed of, and into any irregularity in the disposition of moneys by any of the departments of the State government for the past two years, and for that purpose said committee, when raised, shall have power to send for persons and papers, and examine witnesses, and make a report of the result of their investigation at as early a day as practicable.

Messrs. Little, Inzer and Driesbach were appointed said committee.

Mr. Cobb, from the Committee on Federal Relations, reported a substitute for the House bill—

H. B. 422 To allow pilots the same pay for carrying a vessel out that they are for binging one in.

The caption of the substitute reads as follows :

H. B. 422. To amend section 1143 of the Revised Code.

The substitute was adopted, the constitutional rule suspended, the bill read the third time and passed.

Also, favorably to the Joint memorial—

S. B. 451½ . Requesting the Congress of the United States to pass a law authorizing parties who have erroneously made entries and settlements under the provisions of the Homestead Laws, by permission of the local land officers at Huntsville, on lands in the odd-numbered sections, within the limits of railroad grants, in Alabama, to enter a like amount of lands in the even numbered sections, without being required to move upon said land, or the payment of any additional fees, and to refund to the said settlers the fees already paid ;

Which was adopted.

Mr. Cunningham, from the Committee on Finance, reported favorably to the House joint resolution—

H. E. 592. Authorizing and instructing the Auditor to draw his warrant on the treasury in favor of Frank Cocke for services rendered in raising two United States flags above the two Houses at the beginning of the session ;

Which was read the third time, under a suspension of the constitutional rule, and passed.

Mr. Hamilton, from the Judiciary Committee, reported favorably, with an amendment, to the House bill—

H. B. 472. To amend section 3543 of the Revised Code of Alabama, so far as the same relates to Shelby county.

Amend by striking out section two of the bill.

The amendment was adopted, the bill read the third time, under a suspension the constitutional rule, and passed.

Also, favorably to the House bill—

H. B. 235. To regulate proceedings in the probate and chancery courts, or other courts having chancery jurisdiction, when the estate of a deceased party must be represented, and there is no executor or administrator of such estate, or such executor or administrators interested adversely thereto;

Which was read the third time, under a suspension of the constitutional rule, and passed.

Mr. Martin of Tuscaloosa, from the Committee on Local Legislation, reported favorably to the House bills—



H. B. 635. To allow Noel H. Grace, trustee of the estate of Martha McCombs, deceased, to sell certain lands.

H. B. 677. To enlarge the jurisdiction of justices of the peace in Sumter county, north of the line dividing townships twenty and twenty-one, in said county ;

Which were severally read the third time, under a suspension of the constitutional rule, and passed.

#### MESSAGE FROM THE HOUSE,

By. Mr. Garrett:

#### HOUSE OF REPRESENTATIVES, March 12, 1875.

Mr. President:

The House has originated and passed the following bills:

H. B. 696. To fix the salary of the judge of the city court of Montgomery, and to provide the means for its payment.

H. B. 175. To relieve from the disabilities of non-age Levi Guthrie of Winston county.

H. B. 500. To fix the jurisdiction of justices of the peace and notaries public in criminal cases in Lauderdale county.

H. B. 647. To amend sections 2961 and 2962 of the Revised Code.

H. B. 697. To relieve the county of Montgomery from payment of costs in proceedings against defaulting jurors and witnesses.

H. B. 726. To prohibit the sale of spirituous or vinous liquors within three miles of Rockland Baptist Church, in the eastern part of Pike county.

ELLIS PHELAN,  
Clerk.

Bills were introduced :

By Mr Little—

S. B. 717. To fix the compensation of the members of the court of county commissioners of Hale county.

By Mr. Golson—

S. B. 718. For the relief of Wm. B. Jackson, late tax assessor of Autauga county ;

Which were severally read the first, second and third times, under a suspension of the constitutional rule, and passed.

By Mr. Golson—

S. B. 719. To authorize and require the tax collector of Elmore county to receive certain claims against said county in payment of county taxes;

Which was read the first and second times, under a suspen-

sion of the constitutional rule, and referred to the Committee on Finance.

Leave of absence was granted ,to Messrs. Cobb, and Little for three days, each.

On motion of Mr. .Farden, at a quarter before 3 o'clock, the Senate adjourned.

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SATURDAY, March 13, 1875.

The Senate met pursuant to adjournment.

Prayer by Rev. Joseph Nelson.

Present—

Messrs. Black, Coleman, Curtis, Dereen, Driesbach, Edwards, Glass, Grayson, Hamilton, Harris of Lee, Harris of Russell, Inzer, Leftwich, Little, Martin of Tuscaloosa, Parks, Robinson and Snodgrass — 18.

The journal of yesterday was read and approved.

#### CALL OF THE DISTRICTS.

Bills were introduced—

By Mr. Dereen—

S. B. 720. To change the name of Lee Terrell Kitchell, a minor, of Marengo county, to Lee Kitchell Terrell.

By Mr. Robinson—

S. B. 721. Exempting the Tuskegee Railroad Company from the operations of the act, approved April 19, 1873, entitled an act regulating the charges for transportation for freight upon railroads within this State.

By Mr. Martin of Tuscaloosa—

S. B. 724. To regulate the session and fix the compensation of the court of county commissioners for Dallas county.

By Mr. Little—

S. B. 726. To explain and construe an act approved February 13, 1875, entitled an act to amend section one of an act to provide for the funding of the domestic debt of this State, approved December 19, 1873, so far as it relates to Sumter county.

Which were severally read the first, second and third times, under a suspension of the constitutional rule, and passed.

Senate bills 721 and 726 were ordered to the House.

By Mr. Farden—

S. B. 722. For the relief of dentists and physicians in Alabama ;

Which was read the first and second times, under a suspension of the constitutional rule.

Mr. Parks moved to amend by adding the proviso : "Provided, That neither dentists or physicians shall be required to pay any license unless their income from their profession shall exceed five hundred dollars."

On motion of Mr. Cooper, the amendment was tabled.

Mr. Robinson moved to add to the first section the words "and all municipal license required of them";

Lost.

The constitutional rule was further suspended, the bill read the third time and passed.

By Mr. Moore—

S. B. 723. To regulate the system of public schools in the various counties of this State;

Which was read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Finance.

By Mr. Martin of Tuscaloosa—

S. B. 725. To establish a board of revenue for Dallas county;

Which was read the first and second times, under a suspension of the constitutional rule.

Mr. Golson moved to lay the bill on the table.

Lost. Yeas 7—nays 15.

Those who voted in the affirmative are—

Messrs. Black, Curtis, Dereen, Farden, Glass, Golson and Leftwich—7.

Those who voted in the negative are—

Messrs. Coleman, Cooper, Cunningham, Driesbach, Grayson, Hamilton, Harris of Lee, Little, Martin of Conecuh, Martin of Tuscaloosa, Moore, Parks, Robinson, Snodgrass, and Walton—15.

The constitutional rule was further suspended, the bill read the third time and passed.

Mr. Hamilton, from the Judiciary Committee, reported favorably, with an amendment, to the House bill —

H. B. 654. In relation to trials for misdemeanors in Tuscaloosa and other counties therein named.

Amend by substituting the words " then pending and untried," for the word " pending," in the seventh line of the second section. Strike out the word " Lowndes."

The amendment was adopted, the constitutional rule suspended, the bill read the third time, and passed.

## ENROLLED BILLS.

Mr. Harris of Lee, from the Committee on Enrolled Bills reported the following as correctly enrolled :

S. B. 494. An act to prohibit the sale or giving away of vinous, spirituous or malt liquors within four miles of Wiseville Post Office, in Morgan county, Thomasville, in Bullock county, and Gaylesville, in Cherokee county.

S. B. 29. An act to create and provide for the punishment of the crime of seduction.

S. B. 473. An act to prohibit the sale or barter of vinous, spirituous or malt liquors within one mile of Indian Hill Factory in Autauga county, extending east, however, only to the corporate limits of the town of Prattville.

S. B. 314. An act to prohibit the barter, sale, giving away or in any manner disposing of any spirituous, vinous, malt or other intoxicating liquors within an area of two miles of Pond Spring Church, in the county of Lawrence.

S. B. 575. An act to require the commissioners' court of Talladega county to let the contract for medical treatment of the inmates of the poor house of said county, annually, to the lowest bidder therefor.

S. B. 466. To prevent the sale or otherwise disposing of vinous or spirituous liquors within two miles of the male academy in the town of Bluffton, in Chambers county, Ala.

S. B. 397. To amend section one of an act to prevent the sale, giving away, or otherwise disposing of spirituous, vinous or malt liquors within four miles of Hopewell Baptist Church, and the Magnolia Academy, in Lowndes county, Ala.

S. B. 107. To prohibit the sale, gift or barter of intoxicating liquors within four miles of Bethany Baptist Church and Colerine Academy, in Lowndes county.

S. B. 474. To prohibit the sale of vinous or spirituous liquors within five miles of Ebenezer and New Hope Churches, in Cherokee county.

S. B. 219. To repeal an act entitled " an act to amend section 2931 of the Revised Code of Alabama," approved September 16, 1868.

S. B. 521. To repeal an act to amend section 4063 of the Revised Code of Alabama, approved Dec. 31, 1868.

S. B. 428. To prevent the use of abusive, insulting or vulgar language in the presence of families and females.

S. B. 84. To regulate the term of service of jurors.

S. B. 366. To prohibit the sale or otherwise disposing of vinous, spirituous or other intoxicating liquors within five miles of Hebron and Mount Bethel Churches, in Cherokee county, in this State.

S. B. 365. To prohibit the selling or otherwise disposing of spirituous or other intoxicating liquors within five miles of Sterling Mills, and the Methodist Church and school house near thereto, in Cherokee county.

S. B. 172, To preserve elections from political interferences by preventing any chancellor, chancery court or other officer having chancery powers from exercising jurisdiction over any matter appertaining to any election in this State.

8. B. 234. To declare the manner in which notice of the levy of an attachment mentioned in the act entitled " an act to regulate the trial of attachment cases."

S. B. 600. To fix the number of the officers of the penitentiary and their compensation.

S. B. 82. To amend section 4087 of the Revised Code.

Mr. Dereen, from the same committee, reported the following as correctly enrolled :

S. B. 636. To provide for the publications of the decisions of the supreme court.

#### MESSAGE FROM THE HOUSE,

By Mr. Whitman—

HOUSE OF REPRESENTATIVES,

March 13, 1875.

Mr. President:

The House has passed the following Senate bills:

S. B. 709. To authorize the Elyton Land Company, incorporated under the general laws of this State, to borrow money by the issue and sale of its bonds, secured by pledge or mortgage of its property.

S. B. 704. To fix the time for holding the next election for municipal officers in the city of Selma.

S. B, 691. To regulate judicial sales made under decrees of chancery.

S. B. 716. For the relief of Stephen D. Rushing, of Pike county.

S. B. 714. To declare the effect upon prosecutions then pending, of the repeal of statutes authorizing such prosecutions.

S. B. 713. To authorize the Marion Savings Bank to reduce its capital stock,

S. B. 710. To detach the chancery district composed of the county of Coosa from the Middle Chancery Division, and attach such district to the Eastern Chancery Division.

S. E. 707. Joint resolution for the pay of J. R. Wing and others.

S. B. 684. To amend sections one, two and five of an act to incorporate the Grand Lodge of Free and Accepted Masons of the State of Alabama, and the subordinate Lodges under its jurisdiction, approved Dec, 9th, 1859.

S. B. 711. To prescribe the time of holding the chancery court of the chancery district composed of the county of Coosa, in the Eastern Chancery Division of this State, and to number said district.

S. B. 693. To prohibit the sale of vinous, spirituous or other intoxicating liquors, except for sacramental purposes, within three miles of Union Chapel Church, in Lee county.

S. B. 682. To repeal an act to amend sections 3514, 3517 and 3518 of the Revised Code. so far as the same relates to the county of Dale, approved February 23, 1875.

And has amended as therein shown and passed Senate bill—

S. B. 298. To amend section 7 of an act entitled an act to abolish fencing in certain portions of Montgomery county, approved January 29, 1867.

The House has adopted Senate—

8. E. 702. Joint resolution and memorial of the General Assembly of Alabama to the Congress of the United States in regard to the claim of the publishing house of the Methodist Episcopal Church South, for indemnity for the use of its building, machinery, stock, etc., in the years 1864 and 1865.

And has amended, as therein shown, (by adopting a substitute,) and passed Senate bill—

S. B. 84. To secure good and sufficient sureties on the bonds of the county officers of this State.

ELLIS PHELAN,  
Clerk.

Mr. Inzer, from the Committee on Privileges and Elections, reported a substitute for the bill—

S. B. 518. For the relief of the persons therein named.

The caption of the substitute is—

S. B. 518. For the relief of certain persons therein named;

The substitute was adopted, the constitutional rule suspended, the bill read the third time and passed.

Lost. Yeas 13—nays 7.

Those who voted in the affirmative are—

Messrs. Cooper, Curtis, Dereen, Edwards, Grayson, Harris of Lee, Harris of Russell, Inzer, Little, Parks, Robinson, Snodgrass and Terrell —13.

Those who voted in the negative are—

Messrs. Black, Coleman, Cunningham, Green, Leftwich, Martin of Conecuh and Martin of Tuscaloosa—7.

The bill was ordered forthwith to the House.

On motion of Mr. Inzer, the vote was reconsidered by which the Senate refused to concur in the House amendment to the Senate bill—

S. B. 358. To authorize trustees to make investment of trust funds beyond this State.

The House amendments were concurred in and the House notified of the concurrence.

Mr. Inzer moved to reconsider the vote by which the House bill passed—

H. B. 7. To prevent excessive charges by railroad companies.

On motion of Mr. Dereen, the motion was tabled.

The hour of 12 o'clock having arrived, the Senate proceeded to the consideration of

#### MISCELLANEOUS BUSINESS.

Mr. Martin of Tuscaloosa, offered a joint resolution—

Providing for the adjournment of the present session of the General Assembly of Alabama, on Saturday the 20th day of March, 1875.

On motion of Mr. Moore, it was referred to the Committee on Privileges and elections.

Yeas 13---nays 12.

Those who voted in the affirmative are—

Messrs. Coleman, Cunningham, Driesbach, Grayson, Hamilton, Harris of Lee, Inzer, Little, Martin of Conecuh, Moore, Parks, Snodgrass and Terrell —13.

Those who voted in the negative are—

Messrs, Black, Cooper, Curtis, Dereen, Edwards, Farden, Glass, Golson, Harris of Russell, Leftwich, Martin of Tuscaloosa and Walton—12.

Mr. Terrell offered the following resolution :

Whereas, the prohibition liquor bills have retarded legislation, to the great detriment of the public good, during the present session, therefore---

Be it resolved by the Senate, that no other prohibition liquor bill shall be further considered or acted upon by the Senate after this day up to adjournment, except by unanimous consent.

Mr. Martin of Tuscaloosa, offered a substitute—

Resolved by the Senate, that no bill or joint resolution shall be introduced into the Senate, except by a vote of two-

thirds, after the hour of 12 o'clock, m., on Tuesday, March 16, 1875.

Mr. Inzer moved to table the resolution and substitute.

A division of the question being demanded, the substitute was tabled—yeas 14, nays 12.

Those who voted in the affirmative are—

Messrs. Black, Coleman, Cooper, Curtis, Farden, Golson, Grayson, Green, Harris of Lee, Inzer, Martin of Conecuh, Moore, Robinson and Terrell —14.

Those who voted in the negative are—

Messrs. Cunningham, Dereen, Driesbach, Edwards, Glass, Harris of Russell, Leftwich, Little, Martin of Tuscaloosa, Parks, Snodgrass and Walton—12.

The resolution was tabled—yeas 17, nays 8.

Those who voted in the affirmative are—

Messrs. Black, Coleman, Cooper, Cunningham, Curtis, Dereen, Farden, Grayson, Green, Harris of Lee, Harris of Russell, Inzer, Little, Martin of Tuscaloosa, Parks, Robinson and Snodgrass—17.

Those who voted in the negative are—

Messrs. Driesbach, Edwards, Glass, Golson, Leftwich, Martin of Conecuh, Terrell and Walton—8.

Mr. Inzer, from the Joint Committee appointed to examine the offices of the Auditor and State Treasurer, as prescribed by section 40 of the Revised Code, submitted the following report:

SENATE CHAMBER, ALABAMA,  
Montgomery, March 13, 1875.

Mr. President:

The Joint Committee, appointed to examine the offices of the Auditor and State Treasurer, in pursuance to section 40 of the Revised Code of Alabama, having examined the accounts and vouchers of such officers as to the moneys received into and paid out from the Treasury, during the preceding fiscal year, on warrants drawn by the Auditor during that period, compared the warrants drawn by the Auditor with the several laws by authority of which they purport to be drawn, examined into the other accounts and books of such offices, and counted the money on hand at the time of making such examination, respectfully submit the following report:

There was paid into the treasury from all sources, for the year ending September 30, 1874, the sum of one million eight hundred and seventy thousand five hundred and fifty-seven dollars and twenty-four cents. During the same period there



was paid out upon warrants drawn by the Auditor, the sum of one million one hundred and twenty-five thousand sixteen dollars and twenty-five cents.

An examination and comparison of the warrants drawn by the Auditor upon the Treasury with the law under which they purport to have been drawn, show that that officer has complied with the law regulating the department over which he has charge, in the matter of drawing warrants, except in the matter of three certain warrants drawn in favor of the Governor for the payment of interest on the bonded debt, and in this we are informed that it is the universal custom of the Auditor to draw warrants for said purpose upon the requisition of the Governor alone Reference will be hereinafter made to the action of Governor Lewis in this matter.

The books in the Auditor's office are well and neatly kept, and the accounts and vouchers so arranged as to be easily referred to, whenever occasion requires a reference thereto.

The Auditor and his clerks seemed willing and anxious to lend your committee all necessary assistance in the investigation, for which and for their general kindly conduct towards them, the committee hereby return their thanks.

From information obtained from the present State Treasurer, and an examination of his office, we are able to furnish the following statement from him, to-wit :

Received from A. Bingham, my predecessor in office, under date November 30, 1874—

Uncurrent bank bills...		\$ 2,132 00
Certificates of Northern Bank of Alabama. ....		35 05
Silver coin... ..		372 46
Swamp land fund in State certificates	27,340 00	
ditto in currency.....	3 31	27,343 31
State certificates.....	288,290 00	
ditto belonging to counties in which Adams Express does business .....)	3,000 00	291,290 00
State obligations.....		35,640 00
United States currency.....		24,774 78
		\$381,587 60

Receipts into State Treasury from Nov. 30, 1874,  
to Feb. 12, 1875, as per Auditor's certificate..... 220,758 71

Statement of funds in Treasury, February 13, 1875:

Uncurrent Bank bills ....	\$2,132 00
Certificates Northern Bank of Alabama.....	35 05
Silver coin .....	372 46

Swamp land fund, State certificates ..	27,340 00	
ditto ditto currency .....	5 31	27,343 31
State certificates.....	295,830 00	
Ditto belonging to counties in		
which Adams' Express does }...)	3,000 00	298,830 00
business.....)		
State obligations.....	3,080 00	
United States currency.....	7,453 70	
	\$339,246 52	

The time of my entering upon my duties as State treasurer was the 27th of November, 1874, from which time to the first of December, 1874, I was chiefly employed in taking account of funds on hand.

In addition to the foregoing amounts specified as funds in treasury February 12, 1875, there are the following special deposits:

One package containing in State certificates...	\$1,760 00
United States currency.....	4 50
Paid in by lessees of University lands.....	1,764 00
One sealed package said to contain in notes and	
half notes of State Bank and branches.....	46,224 50
One package containing State certificates, fund-	
ed under an act to provide for the funding of	
the domestic debt of the State, approved De-	
cember, 1873.....	50,365 00

For information in regard to balance in treasury, September 30, 1874, I refer you to report of A. Bingham, then State treasurer.

I find it impossible to give you information as to balance on hand November 1, 1874.

Total amount State certificates on hand, swamp	
land fund (counted in balance) .....	\$ 27,340 00
State certificates (counted in balance).....	298,830 00
Paid by lessees of University lands (special).....	1,760 00
State certificates funded (special).....	50,365 00
	\$378,295 00

DANIEL CRAWFORD.

The books in the treasurers's office appear to have been well and neatly kept, but in this connection it may not be amiss to call attention to the fact, that the entries in the books do not show the date upon which sums of money are paid out of the treasury, hence the treasurer cannot tell

from his books the amount of money paid out within a given period.

Thanks are hereby returned to the treasurer and his clerks for kindness shown the committee.

As reference has already been made to the drawing of certain warrants, we now respectfully call attention to that matter, as a transaction of some magnitude, for which we have been unable to find any authority of law, and have therefore extended our investigation beyond what we otherwise would.

During the last fiscal year three warrants were drawn by the auditor in favor of Governor D. P. Lewis for the ostensible purpose of paying interest on the bonded debt, to-wit : No. 3067 for \$228,000 ; No. 3068 for \$221,180, and No. 3070 for \$35,346.76, amounting in the aggregate to the sum of \$484,346.76. After a careful examination we have found no evidence that this large sum of money was appropriated to the object for which it is reported by the auditor to have been drawn.

There are no coupons or other evidence of such payment to be found in the treasurer's office. the treasurer, in his last report states, on page four, that there is an item of \$484,346.76, in the disbursements for the fiscal year of 1873-4, which was paid on a debt contracted by Governor Lindsay for money borrowed to pay interest on the bonded debt, but he does not say to whom it was paid, nor at what time.

During the administration of Governor Lindsay, Messrs. Duncan, Sherman & Co., of New York, acted as financial agents of the State, and it appears from a statement of Arthur Bingham, treasurer, communicated by Governor Lewis to the Senate on the 26th of November, 1873, that the State was indebted to Duncan, Sherman & Co. in the sum of \$141,733.50, which is alleged to have been created by Governor Lindsay. We presume this is the debt referred to as having been paid during the fiscal year of 1873-4, but it was paid in part by the sale of \$260,000 of the bonds issued in 1873. See page 6 of treasurer's communication to Governor Lewis in message of the Governor of 26th November, 1873. On page 7 of same message, the indebtedness of the State to Duncan, Sherman & Co. is stated to be \$243,297.31, which, including interest which had accrued, was settled by the note of the State, executed by Governor Lewis, for \$227,203.15, now past due and unpaid, and by the payment of \$25,150 in cash to secure the payment of the note for \$227,203.15, Governor Lewis hypothecated \$228,000 of the obligations of the State, issued under the funding act. Thus we trace the use which was made of

the sum of \$253,150 of the sum of \$484,346.76 drawn to pay interest on the bonded debt.

The evidence before the committee connects with the \$484,346.76, another transaction not warranted bylaw. On page 4 of the last report of the auditor, he states that the bonded debt has been reduced by retiring \$260,000 formerly hypothecated with and held by Duncan, Sherman & Co. The committee do not find any record of this purchase more definite than the statement contained in the auditor's report, but there is other evidence, which, although not conclusive, clearly indicates that the bonds were purchased at 60 cents on the dollar, and were paid for in funding obligations at par, making the cost of the bonds \$156,000.

From the foregoing it appears, that of the \$484,346.76, drawn for the ostensible purpose of paying interest on the bonded debt, no part of it was legitimately used ; and the sum of \$75,196.76 has not been accounted for in any message of the late Governor or in any report of the auditor or treasurer. We condense this transaction as follows:

1st. Money was drawn from the treasury for the ostensible purpose of paying interest on the bonded debt and was otherwise used.

2d. Bonds were purchased without authority of law.

3d. Funding obligations were used in purchasing bonds in violation of the act under which they were issued.

4th. The sum of \$75,196.76 were used in some way not disclosed by the records and papers in the treasurer's office, in which vouchers and papers for disbursements ought to be filed.

Your committee feel constrained to call attention to the fact that during the last fiscal year a very large and unreasonable amount of money was paid for stationery. An examination of the itemized statement of the stationery purchased in New York, disclosed to your committee the startling fact that a very large number, if not all the articles, were purchased at prices from two to three times as large as those at which the same articles could have been purchased in Montgomery at retail prices.

We find that of the contingent fund, there was used the sum of \$18,649.19, a part of which was used as follows:

Arther Bingham, treasurer, expenses incurred in visiting Mobile and New York in 1864.....	\$1,200 00
C. J. Atkinson, expenses incurred in distributing "overflowed bacon" .....	1,600 00
Governor D. P. Lewis, services visiting New York and selling road and land of A. & G. Railroad.....	800 00

A considerable number of other items are, to your committee, equally as unreasonable as those aforesaid, all of which will more fully appear by examining auditor's report for 1874.

All of which is respectfully submitted,  
 J. M. CARMICHAEL,  
 JOHN W. INZER,  
 A. SNODGRASS,  
 On part of Senate.  
 A. J. HAMILTON,  
 H. PURCELL.  
 House of Representatives.

Mr. Coleman offered a joint resolution—

In relation to having Alabama represented at the Philadelphia centennial exhibition.

The resolution referred to a select committee of three, composed of Messrs. Coleman, Cooper and Inzer.

Mr. Inzer, from the Committee on Internal Improvements, reported favorably to the bill—

S. B. 680. To amend an act to incorporate the Montgomery South Plank Road Company;

Which was read the third time, under a suspension of the constitutional rule, and passed, and ordered to the House.

On motion of Mr. Snodgrass, the House bill was taken from the table —

H. B. 157. To authorize probate judges in the counties of Jackson, Clark, Shelby, Randolph, Coosa, Russell, Winston, Fayette, Tallapoosa, Cleburn, Lowndes, Lawrence, Tuscaloosa, Monroe, Limestone, Marion, DeKalb, St. Clair, Calhoun, Sanford, Jefferson, Choctaw, Colbert, Franklin, Greene, Marshall, Baldwin, Cherokee, Clay, Lauderdale and Chilton to order elections in certain cases to prevent the sale or giving away or other disposition of vinous or spirituous liquors within certain limits in such counties.

The bill was amended by striking out " Marshall" and inserting "Blount and Morgan."

The constitutional rule was suspended, the bill read the third time and passed.

On motion of Mr. Coleman, the votes by which the bill passed, and was ordered to a third reading, were severally reconsidered.

The bill was amended by striking out " Limestone."

The constitutional rule was suspended, the bill read the third time and passed.

The caption was amended by striking out " Tallapoosa, Lowndes, Russell, Franklin, Colbert, Lawrence, Chilton,

Macon, Choctaw, Greene, Marshall and Limestone," and adding " Blount and Morgan."

Mr. Cunningham, from the Committee on Finance, reported favorably to the bill—

S. B. 553. To authorize the Governor to compromise and settle a balance claimed by the State against Z. I. Wright, late tax collector of Jackson county.

The constitutional rule was suspended, the bill read the third time, and passed,

#### MESSAGE FROM THE HOUSE,

By Mr. Garrett—

#### HOUSE OF REPRESENTATIVES,

March 13, 1875.

Mr. President:

The House has originated and passed the following bills—

H. B. 363. To prohibit the issuance of license to retail liquor dealers in the county of Henry and other counties therein named, for a shorter time than twelve months.

H. B. 682. To prohibit the sale or siring away or otherwise disposing of spirituous, vinous or malt liquors, or intoxicating bitters, or other intoxicating beverages, within three miles of Bethesda Church and Beulah Baptist Church, in Montgomery county.

H. B. 724. To prohibit the keeping, selling or giving away any spirituous, vinous or intoxicating liquors in and within two miles of Rehoboth, Wilcox county.

H. B. 564. To prohibit the sale of liquors within three miles of any public mill in Macon county, Alabama.

H. B. 583. To prohibit the sale or otherwise disposing of spirituous or vinous liquors within six miles of Laurel Church in the county of Marengo.

H. B. 666. To prohibit the sale or giving away of liquors within three miles of Oak Bowery and Bethel Methodist Episcopal Churches, in Butler county, Alabama.

H. B. 341. To prevent the sale or otherwise disposing of spirituous, malt or vinous liquors within three miles of Mc-Kenzie's Church, in Monroe county, and within the beat known as Harold's Cross Roads, in Dallas county.

H. B. 27. To prohibit the sale, giving away or otherwise disposing of spirituous, vinous or malt liquors within one and a half miles of Mount Pisgah Baptist Church, in St. Clair county.

H. B. 372. To prohibit the sale, giving away or otherwise disposing of spirituous, vinous or malt liquors within three

miles of Salem Baptist Church, in Bullock county, Good Hope colored church, and the Protestant Church, at China Grove, in Pike county, and Cold Water Methodist Church, in Calhoun county.

H. B. 268. To amend an act to prohibit any person from selling, giving away, or otherwise disposing of spirituous liquors within four miles of the following named churches : Letohatchee Methodist, Tabernacle Methodist, in Montgomery county, six miles north east of Letohatchee ; Steep Creek Baptist Church,, three and one half miles north-east of Letohatchee, in the county of Lowndes ; and Pleasant Valley Methodist Church, in said county.

ELLIS PHELAN,

Clerk.

Mr. Hamilton, from the Judiciary Committee, reported favorably to the bill—

S. B. 689. To render more explicit and to provide for the better enforcement of the provisions of law in reference to the sale or giving away of spirituous, vinous or malt liquors in this State.

The constitutional rule was suspended, the bill read the third time, and passed.

Also, favorably, with an amendment, to the bill—

S. B, 260. To punish persons for failing to work the public roads.

Amend by adding to section two the words : " Provided that the provisions of this act shall only apply to the county of Chambers."

The amendment was adopted, the constitutional rule suspended, the bill read the third time and passed.

The caption was amended by adding thereto the word, " in Chambers county."

Also, favorably, with an amendment, to the bill—

S. B. 418. To amend section 1239 of the Revised Code. Amend by striking out the second section.

The amendment was adopted.

On motion of Mr. Grayson, the bill was laid on the table.

Also, favorably to the House bill—

H. B. 698. To regulate the business to be transacted at the summer or July terms of the city court of Montgomery.

The constitutional rule was suspended, the bill read the third time, and passed.

Mr. Moore, from the Committee on Revision of Laws, reported a substitute for the House bill—

H. B. 496. To authorize the commissioners' court of Limestone county to pay the solicitor of said county a salary.

The substitute was adopted, the constitutional rule suspended, the bill read the third time and passed.

Also, favorably to the House bill—

H. B. 193. To repeal an act to regulate the publication of legal notices in the county of Crenshaw.

On motion of Mr. Parks, it was laid on the table.

Also, favorably to the House bill—

H. B. 669. To authorize the commissioners' court of Franklin county to compensate the sheriff of said county for services therein named.

The constitutional rule was suspended, the bill read the third time, and passed.

Mr. Cunningham, from the Committee on Finance, reported favorably to the bill—

S. B. 719. To authorize and require the tax collector of Elmore county to receive certain claims against said county in payment of county taxes.

On motion of Mr. Terrell, it was made the special order for Tuesday, 12 o'clock, m.

Mr. Black moved to adjourn ;

Lost—yeas 7, nays 18.

Those who voted in the affirmative are—

Messrs. Black, Curtis, Dereen, Driesbach, Farden, Glass and Harris of Russell—7.

Those who voted in the negative are—

Messrs. Coleman, Cooper, Cunningham, Edwards, Grayson, Hamilton, Harris of Lee, Inzer, Leftwich, Little, Martin of Conecuh, Martin of Tuscaloosa, Moore, Parks, Robinson, Snodgrass, Terrell and Walton—18.

Mr. Martin of Tuscaloosa, from the Committee on Local Legislation, reported favorably, with an amendment, to the House bill—

H. B. 113. To separate the counties of Marengo and Hale from the Western Chancery Division, and annex the same to the Middle Chancery Division, and to provide for the holding of courts therein.

Amend section one by adding thereto the words, "Provided, That nothing herein contained is intended or shall be construed to interfere with or deprive the Hon. Anthony W. Dillard, the present Chancellor of said Western Chancery Division, of his right to have and continue his residence and citizenship in said county of Marengo."

The amendment was adopted.

On motion of Mr. Parks, the bill was ordered to a third reading, and made the special order for Monday next at 12 o'clock, m.



Mr. Robinson moved to adjourn ;

Lost—yeas 11, nays 12.

Those who voted in the affirmative are—

Messrs. Black, Coleman, Curtis, Dereen, Driesbach, Farden, Glass, Leftwich, Martin of Conecuh, Martin of Tuscaloosa and Robinson—11.

Those who voted in the negative are—

Messrs. Cooper, Edwards, Grayson, Hamilton, Harris of Lee, Harris of Russell, Little, Moore, Parks, Snodgrass, Terrell and Walton—12.

Mr. Martin of Tuscaloosa, from the same committee, reported favorably to the bill—

S. B. 547. Amendatory of an act to amend the charter of the city of Montgomery, and the various laws heretofore passed amending charter, approved March 3, 1870.

Mr. Farden moved to lay the bill on the table;

Lost.

On motion of Mr. Terrell, the bill was ordered to a third reading, and made the special order for Monday at 12 o'clock, m.

On motion of Mr. Farden, at 3 o'clock, the Senate adjourned.

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MONDAY, March 15, 1875.

The Senate met pursuant to adjournment.

The President, and President pro tempore of the Senate, being absent,

On motion of Mr. Inzer, Mr. Robinson was requested to take the chair and preside over the Senate.

Prayer by Rev. L. M. Wilson.

Present—

Messrs. Black, Coleman, Cooper, Curtis, Dereen, Driesbach, Edwards, Glass, Grayson, Green, Harris of Lee, Harris of Russell, Inzer, Leftwich, Little, Moore, Parks, Robinson, Royal, Terrell and Walton—21.

The journal of Saturday was read and corrected.

Leave of absence was granted to Mr. Martin of Tuscaloosa, for two days.

On motion of Mr. Little, the Secretary was instructed to telegraph to Lieutenant Governor Ligon, and request his return to the capitol as early as practicable.

Mr. Inzer, from the Committee on Internal Improvements, reported favorably to the House bill—

H. B. 266. To provide for the creation and regulation of street railroads in Alabama.

The constitutional rule was suspended, the bill read the third time and passed.

#### ENROLLED BILLS.

Mr. Dereen, from the Committee on Enrolled Bills, reported the following bills as correctly enrolled :

S. B. 709. To authorize the Elyton Land Company, incorporated under the general laws of this State, to borrow money by the issue and sale of its bonds, secured by pledge or mortgage of its property.

S. B. 711. To prescribe the time of holding the chancery court of the chancery district composed of the county of Coosa, in the Eastern Chancery Division of this State, and to number said District.

S. B. 710. To detach the chancery district composed of the county of Coosa, from the Middle Chancery Division, and attach such district to the Eastern Chancery Division.

S. B. 691. To regulate judicial sales made under decrees of chancery.

S. E. 702. Joint resolution and memorial of the General Assembly of Alabama, to the Congress of the United States, in regard to the claim to the publishing house of the Methodist Episcopal Church South, for indemnity for the use of its buildings, machinery, stock, &c., in the years 1864 and 1865.

S. B. 716. For the relief of Stephen D. Rushing of Pike county.

S. B. 714. To declare the effect upon prosecutions then pending of the repeal of statutes authorizing such prosecutions.

S. B. 713. To authorize the Marion Saving's Bank to reduce its capital stock.

8. E. 707. Joint resolution for the pay of J. B. Wing and others,

S. B. 693. To prohibit the sale of vinous, spirituous, or other intoxicating liquors, except for sacramental purposes, within three miles of Union Chapel Church, in Lee county.

S. B. 682. To repeal an act to amend sections 3514, 8517 and 3518 of the Revised Code, so far as the same relates to the county of Dale, approved February 23, 1875.

S. B. 704. To fix the time for holding the next election for municipal officers in the city of Selma.

#### MESSAGE FROM THE HOUSE,

By Mr. Garrett:

HOUSE OF REPRESENTATIVES,  
March 15, 1875.

Mr. President:

The House has amended, as therein shown, and passed Senate bill—

S. B. 244. For the relief of the Alabama Central Railroad Company, and other railroad companies therein mentioned.

And has concurred in the amendment of the Senate to the House bill—

H. B. 672. To repeal section two of an act to change the mode of receiving and disbursing the revenue of Mobile county, approved February 9, 1852.

And has originated and passed the following bills :

H. B. 596. For the relief of H. N. Traywick.

H. B. 484. To consolidate the offices of tax collector and sheriff of the county of Fayette.

H. B. 727. To authorize the commissioners court of Russell county to appoint a board of finance, and to issue the bonds of said county for the payment of the indebtedness thereof.

ELLIS PHELAN,  
Clerk.

Mr. Hamilton, from the Joint Committee, to which was referred that part of the Governor's message relating to the revising and codifying the statutes of Alabama, reported a bill—

S. B. 727. To provide for the adoption, printing and distribution of the Revised Code.

At the request of Mr. Hamilton, the Senate permitted him to withdraw the bill, and the committee was granted the privilege of reporting it at the next session of the General Assembly.

Mr. Parks, from the Committee on Municipal and County Organizations, reported favorably, with amendments, to the bill—

S. B. 524. To amend an act to establish a new charter for the city of Eufaula.

Amend by inserting after the word "conviction," in the ninth line, on the sixth page, the words, to-wit: "In any court having jurisdiction of said offence."

Also, amend by striking out the following words on the second page, commencing with fourth line: "And who have paid the street tax, due by them to the city of Eufaula."

The amendments were adopted, the constitutional rule

suspended, the bill read the third time and passed, and was ordered to the House.

Bills were introduced —

By Mr. Coleman —

S. B. 728. To fix the time of meeting of the General Assembly of Alabama ;

Which was read the first and second time, under a suspension of the constitutional rule, and referred to a select committee, composed of Messrs. Coleman, Moore and Inzer, with leave to report at any time.

By Mr. Little—

S. B. 729. To extend the time for taking out licenses for the current year, in this State.

By Mr. Moore—

S. B. 730. To authorize appeals to the supreme court in certain cases.

By Mr. Moore.

S. B. 733, To relieve guardians from giving bond and security in certain cases.

By Mr. Little—

S. B. 734. To encourage the production of native wines ;

Which were severally read the first, second and third times, under a suspension of the constitutional rule, and passed.

Senate bills 729, 733 and 734, were ordered to the House.

By Mr. Farden—

S. B. 731. Defining who are retail liquor dealers in this State;

Which was read the first and second times, under a suspension of the constitutional rule.

On motion of Mr. Little, the bill was tabled.

By Mr. Little—

S. B. 732. To provide for the sustaining of the credit of the State ;

Which was read the first and second times, under a suspension of the constitutional rule, and referred to a select committee composed of Messrs. Hamilton, Little and Parks.

The House bill—

H. B. 727. To authorize the commissioners court of Russell county to appoint a board of finance, and to issue the bonds of said county for the payment of the indebtedness thereof ;

Was read the first, second and third times, under a suspension of the constitutional rule, and passed.

The Senate proceeded to the consideration of the House amendments to the Senate bill —

S. B. 48. To secure good and sufficient sureties on the bonds of the county officers of this State.

Mr. Farden moved to amend the amendment of the House, by striking out "five" in the third line of section six, and inserting "thirteen."

On motion of Mr. Inzer, the amendment was tabled.

Mr. Curtis moved to indefinitely postpone the consideration of the amendments.

Lost. Yeas 5, nays 18.

Those who voted in the affirmative are—

Messrs. Black, Curtis, Dereen, Farden and Royal—5.

Those who voted in the negative are—

Messrs. Coleman, Cooper, Cunningham, Driesbach, Edwards, Glass, Grayson, Hamilton, Harris of Lee, Harris of Russell, Inzer, Little, Martin of Conecuh, Moore, Parks, Robinson, Terrell and Walton—18.

The House amendments were concurred in.

On motion of Mr. Little, Hon. Gabriel Mancera, deputy at the Mexican Federal Congress by the State of Puebla, and his secretary, were invited to the privileges of the Senate chamber.

Messrs. Little and Parks were appointed a committee to notify him of the action of the Senate.

He appeared and took a seat on the floor of the Senate.

#### MESSAGE FROM THE HOUSE,

By Mr. Whitman:

#### HOUSE OF REPRESENTATIVES, March 16, 1875.

Mr. President :

The House has amended, as therein shown, the amendment of the Senate to the House bill—

H. B. 57. To establish revenue laws for the State of Alabama.

And has concurred in the said Senate amendment as amended by the House.

ELLIS PHELAN,  
Clerk

#### ENROLLED BILLS.

Mr. Harris, from the Committee on Enrolled Bills, reported the following correctly enrolled :

S. B. 358. To authorize trustees to make investment of trust funds beyond this State.

The Senate proceeded to the consideration of the bill—

S. B. 644. To provide for the cancellation of the promise of the State to pay interest on the face of the obligations issued under authority of the act to provide for the funding of the domestic debt of this State, approved December 19, 1878, as fast as the same are received into the treasury.

It was referred to a select committee composed of Messrs. Hamilton, Little and Parks.

The House bill—

H. B. 113. To separate the counties of Marengo and Hale from the western chancery division, and annex the same to the middle chancery division, and to provide for the holding of courts therein ;

Was read the third time.

Mr. Farden moved to make the bill the special order for 12 o'clock to-morrow.

On motion of Mr. Terrell, the motion was tabled.

On motion of Mr. Terrell, the bill was recommitted to a select committee composed of Messrs. Cooper, Parks and Inzer.

Yeas 16, nays 8.

Those who voted in the affirmative are—

Messrs. Black, Cunningham, Curtis, Dereen, Driesbach, Edwards, Farden, Glass, Green, Hamilton, Harris of Lee, Harris of Russell, Inzer, Leftwich, Royal and Terrell —16.

Those who voted in the negative are—

Messrs. Cooper, Grayson, Little, Martin of Conecuh, Moore, Parks, Robinson and Walton—8.

The bill—

S. B. 547. Amendatory of an act to amend the charter of the city of Montgomery and the various laws heretofore passed amending the said charters, approved March 3, 1870,

Was read the third time.

On motion of Mr. Terrell, it was made the special order for 12 o'clock to-morrow.

The Senate concurred in the House amendments to the Senate bill—

S. B. 244. For the relief of the Alabama Central Railroad company, and other railroad companies therein mentioned.

The Senate proceeded to the consideration of the House amendments to the Senate substitute for the House bill—

H. B. 57. To establish revenue laws for the State of Alabama.

On motion of Mr. Terrell, it was postponed and made the special order for 1 o'clock to-morrow.

On motion of Mr. Inzer, the vote by which the bill was postponed was reconsidered.

The House amendments were concurred in.

On motion of Mr. Leftwich, at a quarter before 4 o'clock the Senate adjourned.

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TUESDAY, March 16, 1875.

The Senate met pursuant to adjournment.

On motion of Mr. Little, Mr. Parks was requested to take the chair and preside over the Senate, the president and president pro tempore still being absent.

Present :

Messrs. Black, Coleman, Cunningham, Curtis, Dereen, Driesbach, Farden, Golson, Grayson, Green, Hamilton, Harris of Lee, Inzer, Leftwich, Little, Martin of Conecuh, Moore, Parks, Robinson, Terrell and Walton—21.

The journal of yesterday was read and approved.

#### CALL OF THE DISTRICTS.

Bills were introduced :

By Mr. Coleman—

S. B. 733. Defining the relation between owners and the occupiers of land in certain cases.

The bill was read the first and second times, under a suspension of the constitutional rule, and referred to the Judiciary Committee.

By Mr. Moore—

S. B. 734. Concerning strays in Madison and Limestone counties ;

Which was read the first and second times, under a suspension of the constitutional rule, and referred to a select committee composed of Messrs. Grayson, Coleman and Edwards.

#### MESSAGE FROM THE GOVERNOR,

By his Private Secretary :

STATE OF ALABAMA,  
EXECUTIVE DEPARTMENT,  
MONTGOMERY, March 15, 1875.

Mr. President :

The Governor has approved the following bills originating in the Senate :

S. B. 428. An act to prevent the use of abusive, insulting or vulgar language in the presence of females or families

S. B. 82. An act to amend section 4087 of the Revised Code.

S. B. 219. An act to repeal an act entitled "an act to amend section 2931 of the Revised Code of Alabama," approved September 16, 1868.

S. B. B. 365. An act to prohibit the selling or otherwise disposing of spirituous or other intoxicating liquors within five miles of Sterling Mills, and the Methodist Church and school house near thereto, in Cherokee county.

S. B. 600. An act to fix the number of the officers of the penitentiary and their compensation.

S. B. 494. An act to prohibit the sale or giving away of vinous, spirituous or malt liquors within four miles of Wiseville Post Office in Morgan county, Thomasville in Bullock, and Gaylesville in Cherokee counties.

S. B. 473. An act to prohibit the sale or barter of vinous, spirituous or malt liquors within one mile of Indian Hill Factory, in Autauga county, extending east, however, only to the corporate limits of the town of Prattville.

S. B. 636. An act to provide for the publication of the decisions of the supreme court.

S. B. 474. An act to prohibit the sale of vinous or spirituous liquors within five miles of Ebenezer and New Hope Churches, in Cherokee county.

S. B. 397. An act to amend section 1 of an act to prevent the sale, giving away or otherwise disposing of spirituous, vinous or malt liquors within four miles of Hopewell Baptist Church and the Magnolia Academy, in Lowndes county, Alabama.

S. B. 366. An act to prohibit the sale or otherwise disposing of vinous, spirituous, or other intoxicating liquors within five miles of Hebron and Mount Bethel Churches, in Cherokee county, in this State.

S. B. 172. An act to preserve elections from political interference by preventing any chancellor, chancery court or other officer having chancery powers, from exercising jurisdiction over any matter appertaining to any election in this State.

S. B. 107. An act to prohibit the sale, gift or barter of intoxicating liquors within four miles of Bethany Baptist Church and Colerine Academy, in Lowndes county.

S. B. 575. An act to require the commissioners' court of Talladega county to let the contract for medical treatment of the inmates of the poor-house of said county annually to the lowest bidder therefor.

S. B. 466. An act to prohibit the sale or otherwise disposing of vinous or spirituous liquors within two miles of the



Male Academy, in the town of Bluffton, in Chambers county, Alabama.

S. B. 314. An act to prohibit the barter, sale, giving away, or in any manner disposing of any spirituous, vinous or malt or intoxicating liquors within an area of two miles of Pond Spring Church, in the county of Lawrence.

S. B. 234. An act to declare the manner in which notice of levy of attachment mentioned in the act entitled " an act to regulate the trial of attachment cases." approved December 17, 1873, shall be given.

S. B. 84. An act entitled an act to regulate the term of service of jurors.

S. B. 29. An act to create and provide for the punishment of the crime of seduction.

S B. 521. An act to repeal an act to amend section 1063 of the Revised Code of Alabama, approved December 31st, 1868.

Respectfully,

L. R. DAVIS,

Private Secretary.

Leave of absence was granted to Mr. Jones for two days.

Mr. Moore introduced—

S. R. 735. Joint resolution to provide for the printing of fifty thousand copies of the report of the Joint Committee in regard to the amendments of the constitution, and an act to provide for the calling of a convention to revise and amend the constitution of this Slate ;

Which were read the first and second times, under a suspension of the constitutional rule.

Mr. Pardon moved to amend by substituting "20,000" for " 50,000."

On motion of Mr. Moore, the amendment was tabled.

The constitutional rule was further suspended, the bill read the third time, and passed, and ordered to the House.

Bills were introduced :

By Mr. Cooper—

S. 736. To change the summer terms for holding the chancery courts of Jackson and DeKalb counties in this State, so as to transpose the summer terms of said courts ;

Which was read the first, second and third times, under a suspension of the constitutional rule, and passed, and ordered to the House.

MESSAGE FROM THE HOUSE,

By. Mr. Whitman :

HOUSE OF REPRESENTATIVES,  
March 16, 1875.

Mr. President :

The House has passed the following Senate bills—

S. B. 599. To authorize the tax assessor of Sumter county to make a new assessment of the property of A. J. Arrington.

S. B. 230. To repeal an act to furnish the aid and credit of the State of Alabama for the purpose of expediting the construction of railroads within the State, approved February 21, 1870.

S. B. 701. For the relief of James M. K. Little, tax collector for Covington county.

S. B. 634. For the relief of Bird Fitzpatrick of Bullock county.

And has originated and passed the following bills :

H. B. 729. To make appropriations for the fiscal year ending 30th September, 1875.

H. B. 624. To provide for the liquidation of the debts due by the Penitentiary and State Farm.

H. B. 587. To authorize the court of county commissioners of Elmore county to levy a special tax to pay off and cancel the indebtedness of said county.

H. B. 581. To require the judge of probate of Marengo county to pay into the county treasury certain costs in criminal cases tried in the county court of said county.

H. B. 567. To enable the city of Talladega to take and own stock in a railroad company.

I am also instructed to notify the Senate that Messrs. Price, Brewer and Coon, have been appointed the committee on the part of the House, under the joint resolution to investigate the right of the Hon. Geo. E. Spencer to a seat in the United States Senate.

The House has amended as therein shown, and passed the following Senate bill—

S. B. 679. To authorize the courts of county commissioners of Chambers, Lee and Randolph counties to compromise and settle the bonded indebtedness of said counties issued in payment of stock subscribed by said counties to Railroad Companies.

ELLIS PHELAN,  
Clerk.

Bills were introduced—

By Mr. Golson—

S. R. 737. Joint resolution to pay N. W. Green, Inspector of the Penitentiary ;

Which was read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on the Penitentiary, with leave to report at any time.

By Mr. Dereen—

S. B. 738. To provide for the payment of advertisements calling out the State militia on the third day of November, 1874 ;

Which was read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Finance, with leave to report at any time.

Mr. Coleman, from the Select Committee, reported a substitute for the bill—

S. B. 723. To fix the time of meeting of the General Assembly of Alabama.

The caption of the substitute is—

S. B. 728. To fix the time of the meeting of the next General Assembly.

The substitute was adopted—yeas 15, nays 8.

Those who voted in the affirmative are—

Messrs. Coleman, Cooper, Driesbach, Edwards, Golson, Hamilton, Harris of Lee, Harris of Russell, Inzer, Little, Martin of Conecuh, Moore, Parks, Robinson and Terrell—15.

Those who voted in the negative are—

Messrs. Black, Curtis, Dereen, Farden, Grayson, Green, Leftwich and Walton—8.

On motion of Mr. Dereen, the words “ the thirty-first,” were struck out, and “ Tuesday the 28th” inserted.

On motion of Mr. Terrell, the further consideration of the bill was postponed till after the reading of the journal to-morrow.

The House amendments were concurred in to the Senate bill—

S. B. 679. To authorize the courts of county commissioners of Chambers, Lee and Randolph counties, to compromise and settle the bonded indebtedness of said counties, issued in payment of stock subscribed by said counties to railroad companies.

The House was notified of the concurrence.

The Senate proceeded to the consideration of the amendments of the House to the Senate bill—

S. B. 298. To amend section seven of an act entitled an act to abolish fencing in certain portions of Montgomery county, approved January 29, 1867.

On motion of Mr. Farden, it was made the special order for 12 o'clock to-morrow.

The House bill—

H. B. 175. To relieve from the disabilities of non-age Levi Guthrie of Winston county ;

Was read the first and second times, under a suspension of the constitutional rule.

On motion of Mr. Inzer, it was indefinitely postponed—yeas 13, nays 10.

Those who voted in the affirmative are—

Messrs. Coleman, Cooper, Cunningham, Driesbach, Glass, Golson, Green, Hamilton, Harris of Russell, Inzer, Little, Parks and Walton—13.

Those who voted in the negative are—

Messrs. Black, Curtis, Dereen, Edwards, Harris of Lee, Leftwich, Martin of Conecuh, Moore, Royal and Terrell—10.

The hour of twelve o'clock having arrived, the Senate took up the bill—

S. B. 719. To authorize and require the tax collector of Elmore county to receive certain claims against said county in payment of county taxes.

On motion of Mr. Golson, all of section one after the word "county," in the seventh line, was struck out.

The constitutional rule was suspended, the bill read the third time and passed, and was ordered to the House.

#### ENROLLED BILLS.

Mr. Harris of Lee, from the Committee on Enrolled Bills, reported the following correct :

S. B. 129. To secure good and sufficient sureties upon the bonds of the county officers of this State.

S. B. 244. For the relief of the Alabama Central Railroad Company, and other railroad companies therein mentioned.

Mr. Dereen, from the same committee, reported the following bills as correctly enrolled :

S. B. 684. To amend sections one, two and five of an act to incorporate the Grand Lodge of Free and Accepted Masons of the State of Alabama, and the subordinate lodges under its jurisdiction, approved December 9, 1859.

The bill was taken up—

S. B. 547. Amendatory of an act to amend the charter of the city of Montgomery, and the various laws heretofore passed amending the said charter, approved March 3, 1870.

On motion of Mr. Farden, it was made the special order for 12 o'clock to-morrow.

#### MESSAGE FROM THE HOUSE,

By Mr. Garrett—

HOUSE OF REPRESENTATIVES,  
March 16, 1875.

Mr. President :

The House has originated and passed the following bill—  
H. B. 627. To amend the charter of the Talladega, Nashville and Montgomery Railway Company.

ELLIS PHELAN,  
Clerk.

Mr. Coleman, from the Select Committee, to which was referred the joint resolutions in relation to having Alabama represented at the Philadelphia Centennial Exposition, reported a substitute for the joint resolutions, with the following caption :

S. B. 739. To authorize the Governor to appoint commissioners to represent Alabama in the Centennial Exposition.

The substitute was adopted, the joint resolutions read the first and second times, under a suspension of the constitutional rule.

Mr. Terrell offered the following amendment :

“Sec. 3. Be it further enacted, That the sum of three thousand dollars is hereby appropriated to carry out the provisions of this bill, out of any moneys in the treasury, to be paid upon the warrant of the Governor, to such of the said commissioners as he may designate.”

Mr. Little offered the following substitute for the amendment, which was adopted :

“Sec. 3. Be it further enacted, That no money shall be appropriated to carry out the provisions of this act.”

As amended, the amendment was adopted.

Mr. Moore moved to lay the bill on the table.

Mr. Robinson moved to adjourn ;

Lost—yeas 4, nays 17.

Those who voted in the affirmative are—

Messrs. Curtis, Moore, Robinson and Walton—4.

Those who voted in the negative are—

Messrs. Coleman, Cooper, Cunningham, Edwards, Farden, Glass, Grayson, Hamilton, Harris of Lee, Harris of Russell, Inzer, Leftwich, Little, Martin of Conecuh, Parks, Royal and Terrell—17.

The question recurring on the motion to table the joint resolution, it was lost—yeas 5, nays 18.

Those who voted in the affirmative are—

Messrs. Harris of Lee, Little, Martin of Conecuh, Moore and Robinson—5.

Those who voted in the negative are—

Messrs. Black, Coleman, Cooper, Cunningham, Curtis, Edwards, Farden, Glass, Grayson, Hamilton, Harris of Russell, Inzer, Leftwich, Parks, Royal, Snodgrass, Terrell and Walton—18.

The constitutional rule was further suspended, the joint resolutions read the third time and passed.

Yeas 16, nays 5.

Those who voted in the affirmative are—

Messrs. Black, Coleman, Cooper, Cunningham, Curtis, Edwards, Farden, Glass, Grayson, Green, Hamilton, Inzer, Leftwich, Parks, Royal and Terrell—16.

Those who voted in the negative are—

Messrs. Harris of Lee, Little, Martin of Conecuh, Moore and Walton—5.

Mr. Parks, from the select committee, reported favorably with an amendment to the bill—

S. B. 613. To protect the State in the matter of the franchises and property of the Alabama & Chattanooga Railroad Company, and of the lands donated to the State for and on account of the railroad of that company.

Amend by striking out section two and inserting the following :

“ Sec. 2. Be it further enacted, That the present Governor of the State be and he is hereby authorized and empowered to bargain, sell and convey, in the name of the State of Alabama, said franchises, property and lands, or any part or parcel thereof ; provided, however, that such sale or sales shall not embrace the title which the State acquired as a naked trustee, under any act of congress.”

On motion of Mr. Inzer, the further consideration of the bill and amendment was postponed till 11 o'clock to-morrow.

On motion of Mr. Royal, the Senate adjourned at three o'clock.

Yeas 15, nays 7.

Those who voted in the affirmative are—

Messrs. Black, Cunningham, Curtis, Edwards, Farden, Glass, Green, Hamilton, Harris of Russell, Leftwich, Little, Martin of Conecuh, Moore, Royal and Terrell—15.

Those who voted in the negative are—

Messrs. Coleman, Cooper, Grayson, Harris of Lee, Inzer, Parks and Walton—7.

WEDNESDAY, March 17, 1875.

The Senate met pursuant to adjournment.

Prayer by Rev. Dr. Petrie.

Present—

Messrs. Coleman, Cooper, Cunningham, Curtis, Dereen, Driesbach, Edwards, Golson, Grayson, Harris of Lee, Harris of Russell, Leftwich, Martin of Conecuh, Martin of Tuscaloosa, Moore, Parks, Robinson, Royal, Snodgrass and Walton—20.

The special order was taken up, which was the bill—

S. B. 728. To fix the time of meeting of the next General Assembly.

The constitutional rule was suspended, the bill read the third time and passed, and ordered to the House.

Mr. Parks, from the select committee, reported a substitute for the following bills—

S. B. 644. To provide for the cancellation of the promise of the State to pay interest on the face of the obligations issued under the authority of the act to provide for the funding of the domestic debt of this State, approved December 19, 1873, as fast as the same are received into the treasury.

S. B. 732. To provide for the sustaining of the credit of the State.

The caption of the substitute is as follows :

S. B. 644. To cancel the interest upon the re-issue of State obligations.

On motion of Mr. Cooper, the bills and substitute were made the special order for 12 o'clock to-morrow.

The hour of 11 o'clock having arrived the Senate proceeded to the consideration of the special order, which was the bill—

#### SPECIAL ORDER.

S. B. 613. To protect the State in the matter of the franchises and property of the Alabama & Chattanooga Railroad Company, and of the lands donated to the State for and on account of the railroad of that company by acts of congress.

The amendment reported by the committee was adopted.

On motion of Mr. Little, the further consideration was postponed till 2 o'clock.

Mr. Little, from the committee on local legislation, reported favorably with an amendment to the bill—

S. B. 489. To establish the office of recorder of public deeds in and for Montgomery county, and to prescribe the duty thereof.

Amend by striking out “ two hundred ” and inserting “one hundred and fifty “ in the fourteenth line of section six.

The amendment was adopted.

On motion of Mr. Little, the bill was made the special order for 11 o'clock to-morrow.

Mr. Little, from same committee, reported a substitute for the bills—

S. B. 501. To confer certain jurisdiction upon the probate court of Wilcox county.

S. B. 337. To confer certain jurisdiction upon the probate court of Lowndes county.

The caption of the substitute is—

S. B. 501. To regulate the sessions and fix the compensation of the court of county commissioners of Lowndes and Wilcox counties.

The substitute was adopted.

On motion of Mr. Farden, the word “ Wilcox ” was struck out.

The constitutional rule was suspended, the bill read the third time, and passed.

On motion of Mr. Martin of Conecuh, the votes by which the bill passed, was ordered to a third reading and the amendment adopted, were reconsidered.

On motion of Mr. Robinson, the amendment was tabled.

On motion of Mr. Little, the bill was ordered to a third reading and made the special order for 12 o'clock to-morrow.

Mr. Little, from same committee, reported a substitute for the bills—

S. B. 500. To establish a board of revenue for Wilcox county and abolish the court of county commissioners of said county.

S. B. 336. To establish a board of revenue for Lowndes county and to abolish the court of county commissioners for said county.

The caption of the substitute is—

S. B. 500. To establish a board of revenue for Lowndes and Wilcox counties.

The substitute was adopted.

Mr. Farden moved to amend by striking out “ Wilcox.”

Mr. Jones moved to amend the amendment by striking on “ Lowndes.”

On motion of Mr. Little, the amendment to the amendment was laid on the table.

The vote being taken on the adoption of the amendment it was lost.

Yeas 7, nays 15.



Those who voted in the affirmative are—

Messrs. Black, Cunningham, Dereen, Farden, Hamilton, Inzer and Jones—7.

Those who voted in the negative are—

Messrs. Coleman, Cooper, Curtis, Edwards, Golson, Harris of Lee, Harris of Russell, Leftwich, Little, Martin of Conecuh, Martin of Tuscaloosa, Moore, Parks, Robinson and Snodgrass—15.

On motion of Mr. Little, the bill was ordered to a third reading and made the special order for to-morrow, twelve o'clock.

Mr. Little, from select committee, reported favorably with an amendment to the bill—

S. B. 683. To authorize the court of county commissioners of Bullock county to levy and collect a special tax to pay interest on county bonds.

Amend by striking out in the seventh line the word “sufficient,” and inserting “not to exceed one-fourth of one per cent. on the taxable property of said county.”

The amendment was adopted, the bill read the third time, under a suspension of the constitutional rule, and passed.

The Senate concurred in the House amendments to the Senate bill—

S. B. 298. To amend section seven of an act entitled so act to abolish fencing in certain portions of Montgomery county, approved January 29, 1857.

The House was notified of the concurrence.

On motion of Terrell, the call of the districts was suspended to proceed to the consideration of House messages.

#### MESSAGE FROM THE GOVERNOR,

By his Recording Secretary.

STATE OF ALABAMA,  
EXECUTIVE DEPARTMENT,  
MONTGOMERY, March 16, 1875.

Gentlemen of the General Assembly of Alabama :

I have the honor to transmit herewith a petition from W. A. C. Jones, of Sumter county, Alabama, relative to a claim held by him against the State of Alabama.

Very respectfully,  
GEO. S. HOUSTON,  
Governor.

#### MESSAGE FROM THE HOUSE,

By Mr. Whitman :

HOUSE OF REPRESENTATIVES,  
March 17, 1875.

Mr. President :

The House has concurred in the Senate amendment to the bill—

H. B. 422. To allow pilots the same pay for carrying vessels out that they are for bringing one in.

And has passed the following Senate bills :

S. B. 721. Exempting the Tuskegee Railroad Company from the operations of the act approved April 19, 1873, entitled “an act regulating the charges for transportation for freight upon railroads within this State.”

S. B. 260. To punish persons for failing to work the public roads in Chambers county.

S. B. 726. To explain and construe an act approved February 13, 1875, entitled “an act to amend section one of an act to provide for the funding of the domestic debt of this State,” approved December 19, 1873, so far as it relates to Sumter county.

S. B. 720. To change the name of Lee Terrell Kitchell, a minor of Marengo county, to Lee Kitchell Terrell.

S. B. 689. To render more explicit and to provide for the better enforcement of the provisions of law in reference to the sale or giving away of spirituous, vinous or malt liquors in this State.

S. B. 553. To authorize the Governor to compromise and settle a balance claimed by the State against Z. I. Wright, late tax collector of Jackson county.

And has amended as therein shown and passed the following Senate bills :

S. B. 254. To provide for the calling of a convention to revise and amend the constitution of this State.

S. B. 456. To provide for the registration of electors in this State.

And has adopted Senate—

S. B. 451½. Joint memorial of the General Assembly of Alabama to the Congress of the United States.

The House has originated and passed the following bills and ordered the same to the Senate forthwith without engrossment :

H. B. 730. To change the name of an election precinct in Russell county.

H. B. 721. To prohibit any person from selling, giving away or otherwise disposing of any spirituous, vinous or malt liquors within one mile of Houston’s Cross Roads, in Russell county.

H. B. 732. To exempt Washington county from the operations of an act to regulate the term of services of jurors, approved March 15, 1875.

ELLIS PHELAN,  
Clerk.

Mr. Martin of Tuscaloosa asked and obtained leave to record his vote against the following joint resolutions :

S. R. 739. To authorize the Governor to appoint commissioners to represent Alabama in the Centennial Exposition.

S. R. 735. To provide for printing 50,000 copies of the report in regard to the calling of a constitutional convention, &c.

The Senate proceeded to the consideration of the House amendments to the Senate bill—

S. B. 254. To provide for the calling of a convention to revise and amend the constitution of this State.

Mr. Farden moved to postpone till twelve o'clock tomorrow.

On motion of Mr. Parks, the motion was tabled.

Mr. Farden moved to postpone one hour.

Lost.

The House amendments were concurred in. Yeas 20—  
nays 8.

Those who voted in the affirmative are —

Messrs. Cobb, Coleman, Cooper, Cunningham, Driesbach, Edwards, Grayson, Hamilton, Harris of Lee, Harris of Russell, Inzer, Little, Martin of Conecuh, Martin of Tuscaloosa, Moore Parks, Robinson, Snodgrass, Terrell and Walton—20.

Those who voted in the negative are—

Messrs. Black, Curtis, Dereen, Farden, Glass, Golson, Green and Royal—8.

The House was notified of the concurrence.

#### MESSAGE FROM THE HOUSE,

By Mr. Garrett :

#### HOUSE OF REPRESENTATIVES, March 17, 1875.

Mr. President:

The House has originated and passed the following bills, and ordered them forthwith to the Senate:

H. B. 462. To authorize the Governor to issue a patent to Adrian Krouse for section 16, township 2 north, range 3 east, in Baldwin county.

H. B. 689. To amend an act to amend the proceedings in the city court of Mobile, approved February 16, 1854.

H. B. 577. For the relief of the probate judge of Coosa county.

ELLIS PHELAN,  
Clerk.

#### ENROLLED BILLS.

Mr. Harris of Lee, from the Committee on Enrolled Bills, reported the following bills as correctly enrolled :

S. B. 701. An act for the relief of James McK. Little, tax collector of Covington county.

S. B. 634. An act for the relief of Bird Fitzpatrick, of Bullock county.

S. B. 230. An act to repeal an act entitled "an act to furnish the aid and credit of the State of Alabama for the purpose of expediting the construction of railroads within the State," approved February 21, 1870.

S. B. 599. An act to authorize the tax assessor of Sumter county to make a reassessment of the property of A. J. Arrington.

S. B. 679. An act to authorize the court of county commissioners of Chambers, Lee, Randolph and Tallapoosa counties to compromise and settle the bonded indebtedness of said counties issued in payment of stock subscribed by said counties to railroad companies.

The Senate proceeded to the consideration of the House amendments to the Senate bill—

S. B. 456. To provide for the registration of electors in this State.

Mr. Black moved to amend the House amendment by striking out all the 30th line, after the word "employment," and all the 31st line of section 5.

On motion of Mr. Robinson, the amendment was tabled. Yeas 17—nays 7.

Those who voted in the affirmative are—

Messrs. Cobb, Coleman, Cooper, Cunningham, Driesbach, Edwards, Grayson, Hamilton, Harris of Lee, Inzer, Little, Martin of Conecuh, Martin of Tuscaloosa, Parks, Robinson, Snodgrass and Walton—17.

Those who voted in the negative are—

Messrs. Black, Curtis, Dereen, Farden, Golson, Leftwich and Royal—7.

Mr. Curtis moved to indefinitely postpone.

Lost.

Mr. Black moved to refer to a committee with instructions to report after the reading of the journal to-morrow.

Lost.

Mr. Farden moved to strike out “ secretary of State,” and insert “ probate judge of the county.”

On motion of Mr. Cooper, the amendment was tabled. Yeas 18—nays 7.

Those who voted in the affirmative are—

Messrs. Cobb, Coleman, Cooper, Cunningham, Dereen, Driesbach, Edwards, Grayson, Hamilton, Harris of Lee, Inzer, Little, Martin of Conecuh, Martin of Tuscaloosa, Parks, Robinson, Snodgrass and Walton—14.

Those who voted in the negative are—

Messrs. Black, Curtis, Farden, Golson, Jones, Leftwich and Royal—7.

Mr. Golson moved to strike out all between “ prescribed,” in the tenth line of section 6, to the word “ and,” in the twentieth line.

On motion of Mr. Cooper, the amendment was tabled.

Mr. Curtis moved to strike out the words “ white or colored,” in the twenty-ninth line of section 5.

On motion of Mr. Cooper, the amendment was tabled.

Mr. Golson moved to strike out “ Secretary of State,” and insert “ Governor.”

On motion of Mr. Robinson, the amendment was tabled.

The House amendments were concurred in. Yeas 17—nays 8.

Those who voted in the affirmative are—

Messrs. Cobb, Coleman, Cooper, Cunningham, Driesbach, Edwards, Grayson Hamilton, Harris of Lee, Inzer, Little, Martin of Conecuh, Martin of Tuscaloosa, Parks, Robinson, Snodgrass and Walton—17.

Those who voted in the negative are—

Messrs. Curtis, Dereen, Farden, Glass, Golson, Jones, Leftwich and Terrell—8.

Mr. Robinson moved to reconsider the vote by which the Senate concurred in the House amendments.

On motion of Mr. Little, the motion was tabled.

The House was notified of the concurrence.

The House bill—

H. B. 647. To amend sections 2961 and 2962 of the Revised Code ;

Was read the first and second times, under a suspension of the constitutional rule.

Mr. Little moved to amend by adding the words, “Provided this act shall not affect any suit now pending.”

On motion of Mr. Robinson, the amendment was tabled.

The constitutional rule was further suspended, the bill read the third time and passed.

The House bills—

H. B. 500. To fix the jurisdiction of justices of the peace and notaries public in criminal cases in Lauderdale county.

H. B. 726. To prohibit the sale of spirituous or vinous liquors within three miles of Richland Baptist Church, in the eastern part of Pike county.

H. B. 27. To prohibit the sale, giving away, or otherwise disposing of spirituous, vinous or malt liquors, within one and a half miles of Mount Pisgah Baptist Church, in St. Clair county.

H. B. 341. To prevent the sale or otherwise disposing of spirituous, malt or vinous liquors, within three miles of McKenzie's Church, in Monroe county, and within the beat known as Harroll's Cross Roads, in Dallas county.

H. B. 372. To prohibit the sale, giving away, or otherwise disposing of vinous, spirituous or malt liquors, within three miles of Salem Baptist Church, in Bullock county; Good Hope Colored Church, and the Protestant Methodist Church, at China Grove, in Pike county, and Cold Water Methodist Church, in Calhoun county.

H. B. 564. To prohibit the sale of liquors within three miles of any public mill, in Macon county, Alabama.

H. B. 682. To prohibit the sale, giving away, or otherwise disposing of spirituous, vinous or malt liquors, or intoxicating bitters, or other intoxicating beverages, within three miles of Bethesda Church and Beulah Baptist Church, in Montgomery county.

H. B. 583. To prohibit the sale or otherwise disposing of spirituous or vinous liquors within six miles of Laurel Church in the county of Marengo.

H. B. 666. To prohibit the sale or giving away of liquors within three miles of Oak Bowery and Bethel Methodist Episcopal Churches, in Butler county, Alabama.

H. B. 484. To consolidate the offices of tax collector and sheriff of the county of Fayette.

H. B. 596. For the relief of H. N. Traywick.

H. B. 581. To require the judge of probate of Marengo county, to pay into the county treasury certain costs in criminal cases tried in the county court of said county.

H. B. 567. To enable the city of Talladega to take and own stock in a railroad company.

H. B. 587. To authorize the court of county commis-

sioners of Elmore county to levy a special tax to pay off, and cancel the indebtedness of said county.

H. B. 627. To amend the charter of the Talladega, Nashville and Montgomery Railway Company.

H. B. 731, To prohibit any person from selling, giving away or otherwise disposing of any spirituous, vinous or malt liquors within one mile of Houston's Cross Roads, in Russell county.

H. B. 732. To exempt Washington county from the operations of an act to regulate the terms of services of jurors, approved 15th March 1875 ;

Were severally read the first, second and third times, under a suspension of the constitutional rule, and passed.

The House bill—

H. B. 697. To relieve the county of Montgomery from payment of costs in proceedings against defaulting jurors and witnesses ;

Was read the first and second times, under a suspension of the constitutional rule.

It was amended by making its provisions applicable to the counties of Chambers, Sumter, Lee and Choctaw.

Mr. Farden moved to make the provisions of the bill general ;

Lost.

The constitutional rule was suspended, the bill read the third time and passed.

The caption was amended by adding after the word "Montgomery" the words "Chambers, Lee and Choctaw."

The House bill—

H. B. 696. To fix the salary of the judge of the city court of Montgomery, and to provide the means for its payment :

Was read the first and second times, under a suspension of the constitutional rule.

Mr. Farden moved to substitute "three thousand dollars" for "twenty-seven hundred and fifty dollars" in the fourth and fifth lines of section one.

The amendment was adopted, the constitutional rule suspended, the bill read the third time and passed.

The House bills—

H. B. 268. To amend an act to prohibit any person from selling, giving away, or otherwise disposing of spirituous liquors, within four miles of the following named churches : Letohatchie Methodist Tabernacle Methodist in Montgomery county, six miles northeast of Letohatchie ; Steep Creek Baptist Church, three and one-half miles northeast of Leto-

hatchie, in the county of Lowndes, and Pleasant Valley Methodist Church in said county.

H. B. 853. To prohibit the issuance of license to retail liquor dealers in the county of Henry and other counties therein named, for a shorter time than twelve months ;  
Were severally read the first and second times, under a suspension of the constitutional rule, and referred to a select committee, composed of Messrs. Little, Parks and Walton.  
The Senate bill—

S. B. 613. To protect the State in the matter of the franchises and property of the Alabama and Chattanooga Railroad Company, and of the lands donated to the State for and on account of the railroad of that company, by acts of Congress ;  
Was ordered to a third reading, and made the special order for 11 o'clock to-morrow.

The Senate bill—

S. B. 547. Amendatory of an act to amend the charter of the city of Montgomery, and the various laws heretofore passed amending the said charter, approved March 3, 1870 ;  
Was postponed till 11 o'clock to-morrow.

The House bill—

H. B. 734. To prohibit the keeping, selling or giving away of spirituous, vinous or intoxicating liquors, in and within two miles of Rehoboth, Wilcox county ;

Was read the first and second times, under a suspension of the constitutional rule.

On motion of Mr. Cobb, the word "keep," in the fourth line of section one, was struck out.

The caption was amended by striking out the word "keeping."

The constitutional rule was suspended, the bill read the third time and passed.

Mr. Parks moved to take a recess till half-past 4 o'clock, p. m. Lost.

The House bill—

H. B. 624. To provide for the liquidation of the debts due by the penitentiary and State farm ;

Was read the first and second times, under a suspension of the constitutional rule.

On motion of Mr. Cobb, the " proviso " in section four was struck out.

The constitutional rule was suspended, the bill read the third time and passed.

Mr. Parks moved to take a recess till 4 o'clock.

Lost. Yeas 11, nays 15.



Those who voted in the affirmative are—

Messrs. Black, Driesbach, Edwards, Grayson, Harris of Lee, Harris of Russell, Inzer, Moore, Parks, Royal and Walton—11.

Those who voted in the negative are—

Messrs. Cobb, Coleman, Cooper, Cunningham, Dereen, Farden, Glass, Golson, Hamilton, Leftwich, Little, Martin of Conecuh, Martin of Tuscaloosa, Robinson and Terrell—15.

The House bill—

H. B. 729. To make appropriations for the fiscal year ending September 30, 1875 ;

Was read the first and second times, under a suspension of the constitutional rule, and referred to the Committee on Finance, with leave to report at any time.

The House bill—

H. B. 730. To change the name of an election precinct in Russell county ;

Was read the first and second times, under a suspension of the constitutional rule.

On motion of Mr. Inzer, it was laid on the table.

On motion of Mr. Parks, the Senate took a recess till quarter-past 4 o'clock this afternoon.

Yeas 13—nays 12.

Those who voted in the affirmative are—

Messrs. Coleman, Curtis, Dereen, Driesbach, Edwards, Grayson, Harris of Lee, Inzer, Little, Martin of Conecuh, Moore, Parks and Walton—13.

Those who voted in the negative are—

Messrs. Black, Cobb, Cooper, Cunningham, Farden, Glass, Golson, Hamilton, Leftwich, Martin of Tuscaloosa, Robinson and Royal—12.

#### AFTERNOON SESSION.

The Senate was called to order by the President.

Mr. Terrell moved to adjourn.

Lost. Yeas 5, nays 16.

Those who voted in the affirmative are—

Messrs. Farden, Golson, Hamilton, Harris of Russell and Terrell—5.

Those who voted in the negative are—

Messrs. Black, Coleman, Cooper, Cunningham, Dereen, Driesbach, Edwards, Grayson, Harris of Lee, Inzer, Martin

of Conecuh, Martin of Tuscaloosa, Moore, Parks, Robinson and Snodgrass—16.

The House bills—

H. B. 689. To amend the act entitled an act to amend the proceedings in the city court of Mobile, approved February 16, 1854.

H. B. 462. To authorize the Governor to issue a patent to Adrian Krouse for section 16, township 3 north, range 3 east, in Baldwin county.

H. B. 677. For the relief of the probate judge of Coosa county :

Were severally read the first, second and third times, under a suspension of the constitutional rule, and passed.

#### ENROLLED BILLS.

Mr. Dereen, from the Committee on Enrolled Bills, reported the following as correctly enrolled:

S. B. 451½. Joint memorial of the General Assembly of Alabama to the Congress of the United States.

S. B. 720. To change the name of Lee Terrell Kitchell, a minor of Marengo county, to Lee Kitchell Terrell.

S. B. 721. Exempting the Tuskegee Railroad Company from the operations of the act regulating the charges for transportation for freight upon railroads within this State.

S. B. 689. To render more explicit and to provide for the better enforcement of the provisions of law in reference to the sale or giving away of spirituous, vinous or malt liquors in this State.

S. B. 553. To authorize the Governor to compromise and settle a balance claimed by the State against Z. I. Wright, late tax collector of Jackson county.

S. B. 260. To punish persons for failing to work the public roads in Chambers county.

S. B. 298. To amend section 7 of an act entitled an act to abolish fencing in certain portions of Montgomery county, approved January 29, 1867.

S. B. 726. To explain and construe an act, approved February 13, 1875, entitled an act to amend section one of an act to provide for the funding of the domestic debt of this State, approved December 19, 1873, so far as it relates to Sumter county.

Mr. Driesbach, from the Committee on the Penitentiary, reported favorably to the bill—

S. B. 737. To pay N. W. Green, inspector of the penitentiary ;

Which was read a third time, under a suspension of the constitutional rule and passed.

Mr. Farden, by leave, introduced bills—

S. B. 740. To permit bakers of bread in the city of Selma to sell on Sunday.

S. B. 741. To establish an election precinct in the county of Montgomery.

Which were severally read the first time.

On motion of Mr. Inzer, they were laid on the table.

#### MESSAGE FROM THE HOUSE,

By Mr. Woods—

HOUSE OF REPRESENTATIVES,

March 17, 1875.

Mr. President:

The House has originated and passed bill:

H. B. 626. For the relief of D. A. Moniac, late sheriff of Baldwin county ;

And ordered the same to the Senate without engrossment.

ELLIS PHELAN,

Clerk.

Mr. Parks, from the Committee on Municipal and County Organizations, reported favorably to the House bill—

H. B. 690. To amend section five of an act entitled an act to amend the corporation laws of Alabama, approved August 12, 1868.

On motion of Mr. Cobb, it was made the special order for 12 o'clock to-morrow.

Mr. Inzer, by leave, introduced a bill—

S. B. 742. For the relief of the Mobile & Alabama Grand Trunk Railway Company ;

Which was read the first and second times, under a suspension of the constitutional rule, and referred to a select committee composed of Messrs. Robinson, Inzer and Cobb.

Mr. Cooper, from the select committee, reported back the bill—

H. B. 113. To separate the counties of Marengo and Hale from the Western Chancery Division, and to annex the same to the Middle Chancery Division, and to provide for the holding of courts therein.

Mr. Dereen moved to strike out " Marengo."

Mr. Robinson moved to lay the motion on the table.

Lost. Yeas 9—nays 18.

Those who voted in the affirmative are—

Messrs. Coleman, Driesbach, Grayson, Little, Martin of Conecuh, Moore, Parks, Robinson and Walton—9.

Those who voted in the negative are—

Messrs. Black, Cobb, Cunningham, Curtis, Dereen, Edwards, Farden, Glass, Hamilton, Harris of Lee, Harris of Russell, Inzer, Jones, Leftwich, Martin of Tuscaloosa, Royal, Snodgrass and Terrell—18.

The county of " Marengo " was struck out, the bill read a third time, under a suspension of the constitutional rule, and passed.

On motion of Mr. Curtis, the motion was tabled.

Mr. Martin of Tuscaloosa asked that Mr. Coleman be allowed to occupy the vacant chair of the late Senator Ervin.

The request was granted.

Mr. Hamilton, from the Judiciary Committee, reported favorably, with an amendment, to the bill—

S. B. 674. To authorize the publication of the laws of a general character, passed at the present session of the General Assembly.

Amend by striking out the preamble.

The amendment was adopted.

OD motion of Mr. Farden, the Senate adjourned.

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THURSDAY, March 18, 1875.

The Senate met pursuant to adjournment.

Present—

Messrs. Cobb, Coleman, Cooper, Cunningham, Curtis, Dereen, Driesbach, Edwards, Glass, Golson, Grayson, Harris of Lee, Harris of Russell, Inzer, Leftwich, Little, Martin of Conecuh, Martin of Tuscaloosa, Moore, Parks, Snodgrass, Terrell and Walton—23.

The journal of yesterday was read and corrected.

On motion of Mr. Coleman, the bill was taken up—

S. B. 674. To authorize the publication of the laws of a general character passed at the present session of the General Assembly.

Mr. Coleman moved to suspend the constitutional rule, to give the bill a third reading forthwith.

Lost, Yeas 14—nays 15.

Those who voted in the affirmative are—

Messrs. Cobb, Coleman, Farden, Golson, Grayson, Hamilton, Inzer, Little, Moore, Parks, Robinson, Snodgrass, Terrell and Walton—14.

Those who voted in the negative are—

Messrs. Black, Cooper, Curtis, Dereen, Driesbach, Edwards, Glass, Green, Harris of Lee, Harris of Russell, Jones, Leftwich, Martin of Conecuh, Martin of Tuscaloosa, and Royal—15.

On motion of Mr. Snodgrass, the proviso at the end of section one was struck out, and the following inserted : "Provided, That the laws shall not be inserted more than one time, and the cost of such insertion shall not exceed one dollar per square."

Mr. Martin of Tuscaloosa moved to indefinitely postpone.

Lost—yeas 13, nays 17.

Those who voted in the affirmative are—

Messrs Cooper, Dereen. Driesbach, Edwards, Glass, Green, Harris of Lee, Harris of Russell, Jones, Leftwich, Martin of Tuscaloosa, and Parks—13.

Those who voted in the negative are—

Messrs. Black, Cobb, Coleman, Cunningham, Farden, Golson, Grayson, Hamilton, Inzer, Little, Martin of Conecuh, Moore, Robinson, Royal, Snodgrass, Terrell and Walton—17.

Mr. Black moved to amend by inserting that the type used in printing shall be " Nonpareil."

Mr. Farden moved to amend by inserting that the laws shall be printed in Brevier.

Lost.

Mr. Terrell moved to suspend the constitutional rule, to give the bill a third reading forthwith.

Lost. Yeas 22—nays 6.

Those who voted in the affirmative are—

Messrs. Cobb, Coleman, Cunningham, Dereen, Driesbach, Edwards, Farden, Golson, Grayson, Hamilton, Harris of Russell, Inzer, Leftwich, Little, Martin of Conecuh, Martin of Tuscaloosa, Moore, Parks, Robinson, Snodgrass, Terrell and Walton—22.

Those who voted in the negative are—

Messrs. Black, Cooper, Curtis, Glass, Green and Jones—6.

On motion of Mr. Cobb, the bill was ordered to a third reading, and made a special order immediately after the reading of the journal on to-morrow.

On motion of Mr. Parks, the votes were reconsidered by which the House bill passed, and was ordered to a third reading—

H. B. 554. To prohibit the sale of liquors within three miles of any public mill in Macon county, Alabama.

The bill was referred to the Committee on Local Legislation.

On motion of Mr. Farden, the bill was laid on the table—

S. B. 489. To establish the office of recorder of public deeds in and for Montgomery county, and to prescribe the duties thereof.

### ENROLLED BILLS.

Mr. Harris of Lee, from the Committee on Enrolled Bills, reported the following as correctly enrolled :

S B. 456. An act to provide for the registration of electors in this State.

### MESSAGE FROM THE GOVERNOR,

By his Private Secretary:

STATE OF ALABAMA,  
EXECUTIVE DEPARTMENT,  
MONTGOMERY, March 17, 1875.

Mr. President :

The Governor has approved the following bills which originated in the Senate:

S.B.711. An act to prescribe the term of holding the chancery court of the chancery district composed of the county of Coosa, in the Eastern Chancery Division of this State, and to number said district.

S. B. 710. An act to detach the chancery district composed of the county of Coosa from the Middle Chancery Division, and attach it to the Eastern Chancery Division.

S. B. 109. An act to authorize the Elyton Land Company, incorporated under the general laws of this State, to borrow money by the issue and sale of its bonds, secured by pledge or mortgage of its property.

S. B. 704. To fix the time for holding the next election for municipal officers in the city of Selma.

S. B. 358. An act to authorize trustees to make investments of trust funds beyond this State.

S. B. 682. An act to repeal an act to amend sections 3514, 3517 and 3518 of the Revised Code, so far as the same relates to the county of Dale, approved February 23, 1875.

S. B. 701. An act for the relief of James McK. Little, tax collector of Covington county.

S. B. 634. An act for the relief of Bird Fitzpatrick, of Bullock county.

S. B. 599. An act to authorize the tax assessor of Sumter county to make a new assessment of the property of A. J. Arrington.

S. B. 230. An act to repeal an act entitled an act to furnish the aid and credit of the State of Alabama for the purpose of expediting the construction of Railroads within the State, approved February 21, 1870.

S. B. 693. An act to prohibit the sale of vinous, spirituous or other intoxicating liquors, except for sacramental purposes, within three miles of Union Chapel Church, in Lee county.

S. B. 244. An act for the relief of the Alabama Central Railroad Company, and other railroads therein mentioned.

S. B. 713. An act to authorize the Marion Savings Bank to reduce its capital stock.

S. B. 714. An act to declare the effect upon prosecutions then pending of the repeal of statutes authorizing such prosecutions.

S. B. 716. An act for the relief of Stephen D. Rushing, of Pike county.

S. B. 684. An act to amend sections one, two and five of an act to incorporate the Grand Lodge of Free and Accepted Masons of the State of Alabama, and the subordinate lodges under its jurisdiction, approved December 9, 1859.

S. B. 679. An act to authorize the county commissioners of Lee, Chambers, Randolph and Tallapoosa counties, to compromise and settle the bonded indebtedness of said counties, issued in payment of stock subscribed by said counties to railroad companies.

S. B. 48. An act to secure good and sufficient sureties upon the bonds of the county officers of this State.

S. B. 707. Joint resolution for the pay of J. E. Wing and others.

S. B. 702. Joint resolution and memorial of the General Assembly of Alabama to the Congress of the United States, in regard to the claim of the publishing house of the Methodist Episcopal Church South, for indemnity for the use of its buildings, machinery, stock, &c., in the years 1864 and 1865.

S. B. 691. An act to regulate judicial sales made under decrees of chancery.

Very respectfully,

L. R. DAVIS,  
Private Secretary.

MESSAGE FROM THE HOUSE,

By Mr. Whitman—

HOUSE OF REPRESENTATIVES,  
March 18, 1875.

Mr. President :

The House has passed the following Senate bills—

S. B. 676. For the relief of the county of Macon.

S. B. 343. To incorporate the village of Henderson in Pike county.

S. B. 601. To amend section three of an act to amend certain sections of the Revised Code, viz: Sections 3833, 3834, 3836, 3837, 3839, 3853, 3855 and 3856, approved February 26, 1872.

S. B. 558. To repeal an act entitled an act to authorize the commissioners court of Shelby county to levy a special tax, from year to year, to pay off the present indebtedness of said county, approved November 28, 1871.

S. R. 557. Joint resolution to pay the expenses of the joint committee to inspect the State Penitentiary and State farm.

S. B. 650. To amend section one of an act to define the corporate limits of Weutmpka.

S. B. 447. To repeal an act to regulate legal and other notices in the county of Sanford, approved March 9, 1871.

And has amended as therein shown and passed the following Senate bills :

S. B. 604. To amend sections one, two and eleven of an act to incorporate the town of Gilmer, in Lawrence county.

S. B. 694. To authorize the court of county commissioners of Barbour county, to compromise and settle the bonded indebtedness of said county, issued in payment of stock subscribed by said county to the Vicksburg and Brunswick Railroad Company.

And has concurred in the Senate amendments to the House bills—

H. B. 157. To authorize the probate judges in the county of Jackson, and other counties therein named, to order elections in certain cases, to prevent the sale, giving away or other disposition of vinous or spirituous liquors, within certain limits in said counties.

And has originated and passed the following bills :

H. B. 713. To increase the fees of constables of Bullock county.

H. B. 728. To provide a contingent fund for the support of the State Penitentiary during the year ending December 31, 1875.

H. B. 655. To amend section three of an act to incorporate the town of Eutaw, in Greene county.



H. B. 492. For the relief of W. J. House of Jackson county.

H. B. 449. To repeal section 4031 (482) of the Revised Code, in so far as the same applies to the county of Covington.

H. B. 480. To regulate the payment of all the claims against the fine and forfeiture fund of Clarke county.

H. B. 431. For the relief of Wm. M. Smith of Chambers county.

H. B. 559. For the protection of plantations and lands against the depredations of stock in Lowndes county, Alabama.

H. B. 435. For the relief of C. C. Brown, Jos. H. Knighton, J. E. Hassell, Jno. J. Williams, and C. B. Watson of Choctaw county.

H. B. 706. For the relief of J. E. Wing.

H. B. 550. To make the failure of any person liable and legally notified to work on the public loads of this State a misdemeanor.

H. B. 404. To repeal an act entitled an act to allow additional compensation to the judge of the probate court of Wilcox county, approved February 19, 1867.

H. B. 403. Relating to tax on cattle and other stock in Washington county.

H. B. 579. To incorporate the town of Rockford in the county of Coosa.

H. B. 735. To continue in force certain parts of the revenue laws in force on the first day of January, 1875, regulating the assessment of property.

And has passed the following joint resolutions :

H. B. 734. For the payment of repairs and articles furnished for the use of the House.

H. B. 569. To pay Powell, Prickett St. Co. for articles furnished the House of Representatives.

ELLIS PHELAN,  
Clerk.

#### MESSAGE FROM THE GOVERNOR,

By his Private Secretary :

STATE OF ALABAMA,  
EXECUTIVE DEPARTMENT,  
MONTGOMERY, March 18, 1875.

Mr. President :

The Governor has approved the following bills originating in the Senate :

S. B. 689. To render more explicit and to provide for the better enforcement of the provisions of law in reference to the sale or giving away of spirituous, vinous or malt liquors in this State.

S. B. 260. To punish persons for failing to work the public roads in Chambers county.

S. B. 720. To change the name of Lee Terrell Kitchell, a minor of Marengo county, to Lee Kitchell Terrell.

S. B. 721. An act exempting the Tuskegee Railroad Company from the operations of the act approved April 19, 1873, entitled an act regulating the charges for transportation of freight upon railroads within this State.

S. B. 726. An act to explain and construe an act approved Feb. 13, 1875, entitled "an act to amend section one of an act to provide for the funding of the domestic debt of this State," approved December 19, 1873, so far as it relates to Sumter county.

S. B. 298. An act to amend section seven of an act entitled an act to abolish fencing in certain portions of Montgomery county, approved January 29, 1867.

S. B. 653. An act to authorize the Governor to compromise and settle a balance claimed by the State against Z. I. Wright, late tax collector of Jackson county.

S. B. 456. An act to provide for the registration of electors in this State.

S. B. 451½. Also, joint memorial of the General Assembly of Alabama to the Congress of the United States.

Respectfully,

L. R. DAVIS,

Private Secretary.

#### MESSAGE FROM THE HOUSE,

By Mr. Garrett—

HOUSE OF REPRESENTATIVES,

March 18, 1875.

Mr. President :

The House has adopted joint resolution—

Submitting claim of W. A. C. Jones to the commissioners to investigate the bonded indebtedness of the State,

And ordered it to be sent at once to the Senate.

The House has adopted joint resolution, herewith sent, in relation to the final adjournment of the General Assembly.

And has originated and passed a bill—

H. B. 274. In relation to the finances of Montgomery county ;

And ordered the same to be sent forthwith to the Senate.

The House has amended, as therein shown, and passed Senate bill—

S. B. 518. For the relief of certain persons therein named.

ELLIS PHELAN,  
Clerk.

The Senate proceeded to the consideration of the next special order, which was the bill—

S. B. 613. To protect the State in the matters of the franchises and property of the Alabama & Chattanooga Railroad Company, and of the lands donated to the State for and on account of the railroad of that company by acts of congress.

The bill was read a third time and passed.

Yeas 17, nays 9.

Those who voted in the affirmative are—

Messrs. Cobb, Coleman, Cooper, Cunningham, Driesbach, Edwards, Grayson, Hamilton, Harris of Lee, Inzer, Little, Martin of Conecuh, Moore, Parks, Robinson, Royal and Snodgrass—17.

Those who voted in the negative are—

Messrs. Black, Curtis, Dereen, Farden, Glass, Golson, Green, Harris of Russell and Martin of Tuscaloosa—9.

On motion of Mr. Inzer, the caption was amended by adding the words “And to authorize the present Governor to sell and dispose of the same or any part thereof.”

The bill was ordered to the House forthwith.

#### ENROLLED BILLS.

Mr. Dereen, from the Committee on Enrolled Bills, reported the following as correctly enrolled :

S. B. 343. To incorporate the village of Henderson in Pike county.

S. B. 551. Joint resolution to pay the expenses of the joint committee to inspect the State penitentiary and State farm.

S. B. 558. To repeal an act entitled an act to authorize the commissioners court of Shelby county to levy a special tax, from year to year, to pay off the present indebtedness of said county.

S. B. 676. For the relief of the county of Macon.

## MESSAGE FROM THE HOUSE,

By Mr. Whitman—

HOUSE OF REPRESENTATIVES,  
March 18, 1875.

Mr. President :

The House has originated and passed the following bills, and ordered the same forthwith to the Senate :

H. B. 652. To prevent the hiring out of convicts beyond the limits of the county in which they are convicted, approved April 10, 1873.

H. B. 393. To make persons ineligible to office under the laws of this State, who hold any office of profit or trust under the laws and government of the United States.

ELLIS PHELAN,  
Clerk.

Mr. Black moved to take a recess till 4 o'clock, p. m.

Lost.

On motion of Mr. Parks, the special orders were suspended for one hour.

Mr. Golson moved to adjourn.

Lost.

The Senate proceeded to the consideration of the House joint resolutions on final adjournment.

Mr. Cobb moved to amend by striking out "Monday" and inserting "Saturday" in the first resolution.

Mr. Farden moved to amend the amendment by striking out "Saturday" and inserting "Friday, 2 o'clock, p. m."

On motion of Mr. Robinson, the motion to amend the amendment was tabled.

On motion of Mr. Moore, the amendment was tabled.

On motion of Mr. Cobb, "Monday, 12 o'clock, m." was struck out and "Saturday, 10 o'clock, p. m." inserted.

On motion of Mr. Robinson, the second resolution was struck out.

Mr. Farden moved to refer the resolutions to a joint committee of three from each house.

On motion of Mr. Martin of Tuscaloosa, the motion was tabled.

Mr. Terrell moved to refer the resolution to a select committee of five.

Lost.

Mr. Snodgrass moved to reconsider the votes by which the first amendment, striking out "Monday, 12 o'clock, m." and inserting "Saturday, 10 o'clock, p. m." was adopted.

The motion prevailed.

Mr. Terrell moved to concur in the House resolution as amended.

On motion of Mr. Martin of Tuscaloosa, the motion was tabled.

Yeas 16, nays 12.

Those who voted in the affirmative are—

Messrs. Cobb, Coleman, Cunningham, Driesbach, Edwards, Golson, Grayson, Harris of Lee, Inzer, Leftwich, Little, Martin of Tuscaloosa, Moore, Parks, Robinson and Walton—16.

Those who voted in the negative are—

Messrs. Black, Curtis, Dereen, Farden, Glass, Green, Hamilton, Harris of Russell, Martin of Conecuh, Royal, Snodgrass and Terrell—12.

Mr. Martin of Tuscaloosa, moved to amend the first resolution by striking out “Monday, 12 o’clock, m.” and inserting “Friday, 12 o’clock, p. m.’

The motion prevailed.

Yeas 17, nays 11.

Those who voted in the affirmative are—

Messrs. Black, Cobb, Coleman, Dereen, Edwards, Green, Harris of Lee, Harris of Russell, Leftwich, Little, Martin of Tuscaloosa, Parks, Robinson, Royal, Snodgrass, Terrell and Walton—17.

Those who voted in the negative are—

Messrs. Cunningham, Curtis, Driesbach, Farden, Glass, Golson, Grayson, Hamilton, Inzer, Martin of Conecuh and Moore—11.

On motion of Mr. Farden, the Senate took a recess till half-past 4 o’clock.

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#### AFTERNOON SESSION, March 18, 1875.

The Senate met at half-past 4 o’clock, p. m.

The bill was taken up—

S. B. 547 Amendatory of an act to amend the charter of the city of Montgomery and the various laws heretofore passed amending the said charter, approved March 3, 1870.

On motion of Mr. Terrell, it was laid on the table.

The House joint resolution on final adjournment, was ordered forthwith to the House.

The Senate proceeded to the consideration of the bill—

S. B. 644. To cancel the interest upon the re-issue of State obligations.

The question being the adoption of the substitute offered by the committee, it was adopted.

Mr. Terrell offered a substitute with the following caption :

S. B. 644. For the gradual retirement of the State obligations.

Mr. Robinson moved to lay the bill and substitute on the table.

The question being first taken on tabling the substitute, the motion prevailed.

Yeas 14, nays 8.

Those who voted in the affirmative are—

Messrs. Black, Coleman, Cooper, Curtis, Dereen, Driesbach, Farden, Golson, Grayson, Harris of Lee, Harris of Russell, Robinson, Royal and Terrell—14.

Those who voted in the negative are—

Messrs. Cunningham, Inzer, Jones, Little, Martin of Tuscaloosa, Moore, Parks and Snodgrass—8.

The President ruled that the substitute offered by the committee and which had been adopted was laid on the table, and that Mr. Terrell's substitute was under consideration.

The substitute offered by Mr. Terrell was adopted.

Mr. Robinson moved to lay it on the table.

Lost. Yeas 12, nays 13.

Those who voted in the affirmative are—

Messrs. Cobb, Coleman, Cunningham, Dereen, Edwards, Grayson, Hamilton, Martin of Tuscaloosa, Moore, Robinson, Snodgrass and Walton—12.

Those who voted in the negative are—

Messrs. Black, Cooper, Curtis, Farden, Glass, Golson, Green, Harris of Russell, Jones, Leftwich, Martin of Conecuh, Parks and Royal—13.

Mr. Robinson moved to indefinitely postpone the substitute offered by Mr. Terrell.

The motion prevailed.

Yeas 14, nays 14.

The President deciding in the affirmative.

Those who voted in the affirmative are—

Messrs. Cobb, Coleman, Cunningham, Dereen, Driesbach, Grayson, Hamilton, Inzer, Little, Martin of Tuscaloosa, Moore, Robinson, Snodgrass and Walton—14.

Those who voted in the negative are—

Messrs. Black, Cooper, Curtis, Farden, Glass, Golson, Green, Harris of Russell, Jones, Leftwich, Martin of Conecuh, Parks, Royal and Terrell—14.

Mr. Robinson moved to reconsider the vote by which the substitute offered by the committee was laid on the table.

Mr. Terrell moved to lay the motion on the table.

Lost. Yeas 14, nays 16.

Those who voted in the affirmative are—

Messrs. Black, Cooper, Curtis, Dereen, Farden, Glass, Golson, Green, Harris of Russell, Jones, Leftwich, Martin of Conecuh, Royal and Terrell—14.

Those who voted in the negative are—

Messrs. Cobb, Coleman, Cunningham, Driesbach, Edwards, Grayson, Hamilton, Harris of Lee, Inzer, Little, Martin of Tuscaloosa, Moore, Parks, Robinson, Snodgrass and Walton—16.

Mr. Little, by leave, from the committee to inquire into and investigate how the contingent fund has been disposed of, and into any irregularity in the disposition of moneys by any of the departments of the State government for the past two years, submitted the following report ;

#### REPORT.

SENATE CHAMBER, ALABAMA,  
Montgomery, March 18, 1875.

Mr. President :

Under a resolution of the Senate, the undersigned were appointed to “inquire into and investigate how the contingent fund has been disbursed and disposed of, and into any irregularity in the disposition of monies by any of the departments of the State government for the past two years. “After our appointment we immediately entered upon the discharge of the duties assigned us, and we now respectfully submit the following report.

The time for investigation has been too limited to enable the committee to scrutinize every item in the long list of expenditures taken from the contingent fund by Governor Lewis, and we have only selected a few items as indicative of the lavish manner in which the contingent fund was generally used, as well as the legal appropriation of part of it.

The auditor has promptly furnished the committee with such vouchers and papers as were called for, and we now invite attention to the following items embraced in exhibit “A.”

Voucher 2918 is for \$800 paid to Governor Lewis, by his own order, for “services rendered while visiting New York,” to effect a sale of the road and lands of the Alabama & Chattanooga Railroad Company. The Governor of this State is paid a salary of \$4,000 per annum for his “services.” Whether such service is rendered at the capitol of the State or else-

where, his salary is the only compensation to which he is legally entitled. If called from the capitol to attend to public business, legitimately connected with his office, he cannot properly claim anything beyond reasonable expenses incurred during his absence. In this case the charge of \$800 seems to your committee to be exorbitant. Conceding that he remained in New York one month at a cost of \$ 0 per day, including the use of a private parlor suitable to his dignity, and add traveling expanses to and from New York, by what rule of computation can the expenses of his trip be made to reach the sum of \$800? The charge is twice as large as it ought to be.

Passing, without comment, the item of \$225, covered by voucher 2910, we next call attention to voucher 2328 for \$800, for expenses incurred by Governor Lewis in traveling to Florida and New York. This item, like many others, is vague as to the character of the business transacted for the State, and is seemingly extravagant in amount.

Voucher 2164 is for "services" rendered by the Governor, "traveling expenses," etc. It does not state whether the expenses were incurred in traveling in the interest of the State, or in visiting his home in North Alabama.

The various accounts presented by C. J. Atkinson, private secretary to the Governor, some of which were approved by the Governor and others by the secretary himself, demonstrate how loosely the duties of the Executive office were discharged. Voucher 2768, for \$50 in favor of Mr. Atkinson, is approved by himself as "acting private secretary." It is certainly anomalous for the private secretary of a governor to file an account against the State, approve it himself, order a warrant to be issued by the auditor, and collect the money from the treasurer !

Voucher 2897, for \$50 in favor of the same party, is for services rendered and for traveling expenses to Huntsville. Like voucher 2768, it is for the round sum of \$50, and it is not itemized as it should be.

We now pass to the extraordinary item of \$1,600 paid to C. J. Atkinson, for services rendered in the distribution of bacon donated by congress to the people in the overflowed districts in Alabama and other Southern States, and to the various itemized statements connected therewith to be found in exhibit "A." Was this large expenditure incurred in accordance with any law of this State? If not, the action of the Governor is reprehensible. We have been unable to find any authority of law for this extraordinary use of the public money. Congress made an appropriation for the relief of the



sufferers in the “ overflowed “ districts in some of the Southern States. To carry that act into effect it was doubtless contemplated that part of the appropriation should be used to pay transportation charges, and the expense of distribution. It is well known that the bacon was distributed without regard to actual injury sustained by persons cultivating overflowed lands, but, in violation of law, it was distributed in the “ hill country” as well as in the overflowed districts, and such distribution was made manifestly for the purpose of controlling the then pending elections. To this the Governor made himself a party to the improper use of the contingent fund.

Voucher 2163, is for \$50 paid to C. J. Atkinson for postage stamps. It is approved and ordered paid by Atkinson himself as “ acting private secretary.” There are other items for postage stamps, express charges and telegrams lumped together, the correctness of which cannot be ascertained from any papers submitted to our inspection.

Voucher 2771, in favor of N. H. Rice for \$72.85, is approved and ordered paid by C. J. Atkinson. It seems, therefore, that said Atkinson was acting Governor as well as private secretary, as the contingent fund from which he ordered payments to be made is by law placed at the disposal of the Governor, and cannot be legally controlled by any other officer.

Voucher 1770, in favor of D. P. Lewis for \$86.50, is approved and ordered paid by George W. Wilburn, “ private secretary.”

Voucher 2921, is for \$500 paid to W. H. Smith for services rendered as agent of the State in making a visit to Georgia to do something, not stated in the voucher, connected with the Alabama & Chattanooga Railroad bonds. Your committee cannot conjecture what services he could have rendered in that connection which was worth \$500 to the State.

We now come to the very extraordinary item of \$1,200 paid to Arthur Bingham, as per voucher 3063, for “ expenses” incurred in visiting Mobile and New York during the fiscal year 1873-4, on official business for the State. It is not stated in the account presented and allowed what business was transacted by Mr. Bingham, how many trips he made, nor at what hotels he stopped. If he was absent from the State for a sufficient length of time to involve an expense of \$1,200 for traveling expenses and board, it is apparent that he was guilty of dereliction of duty. The duties of the treasurer of the State require his presence at his office in Montgomery. Under no circumstances ought he to be absent for any consid-

erable length of time, and, if at all, only on business connected with his office, or by direction of the General Assembly. But to have properly expended \$1,200 in traveling expenses and board, he must have been absent four or five months during the last fiscal year. If he made repeated trips beyond the limits of the State, or within the State, on official business imperatively demanding his attention, his accounts for expenses incurred should have shown what service he rendered, how long he was absent, and under what authority he acted, and without such itemized statement the Governor had no right to allow the claim and order its payment. Otherwise any sum, great or small, might be paid from the contingent fund to any public officer which would be beyond the reach of scrutiny, and would enable such officer to indulge in extravagance, give expensive entertainments, and in various ways expend the public money without any power of arraignment or the slightest accountability to the State. We cannot too strongly condemn such profligate use of money drawn from the pockets of impoverished tax payers.

We invite attention to vouchers 280, 1240 and 1350, especially to the latter. We cannot conceive what public business demanded a telegraphic correspondence with agents of the State in London, involving an expense of \$848.03.

Vouchers 2482 and 2568, embrace \$100 paid to Jas. L. Tait, for services rendered, as alleged, in connection with a sale of the lands of the Alabama & Chattanooga railroad, and expenses to New York. We have been unable to find that any equivalent was received by the State for this sum paid to Mr. Tait.

Voucher 2326, imposes upon the State an outlay of \$750, which ought to have been paid by the railroad companies interested in the partition of lands held by the State as trustee for their benefit.

The amount of voucher 2233, is small, but a principle is involved of great importance to the State. If a public officer can, with impunity, expend the public money for a looking-glass, a brush or a comb, why may he not purchase any other article for private use which his fancy or cupidity might suggest? The evil consequences which often flow from the toleration of a slight departure from official duty, admonish the guardians of the public treasury that all officers should be held to a rigid accountability, and no improper use of the contingent fund, or of any other public fund, should be sanctioned or go unrebuked.

Exhibit "B," shows a very extravagant use of stamps in the various State departments.

Exhibit " C ", presents in parallel columns the amounts paid to S. Benedict & Co. of New York, for stationery, and the prices at which the same articles could have been purchased in this city of Joel White. The total amount paid to Benedict & Co. is \$7,761.58, and Mr. White's prices would only amount to \$4,336.64, showing a loss to the State of \$3,425-04, besides the cost of transportation on the stationary from New York to Montgomery. It is not strange that the treasury is empty, when such reckless use of the public money was not only tolerated, but officially approved by the late Governor.

Up to this point our investigation has been confined to the fiscal year ending on 30th September, 1874. Since then various expenses have been incurred, and paid out of the contingent fund. Sundry payments have been made the proprietor of the State Journal, which appear to your committee to be exorbitant, and some of them without authority of law. We have already alluded to the payment of \$1,200 to Arthur Bingham for expenses incidental to trips to Mobile and New York. When we reached that item in our investigation, we did not suppose that it was possible that any other claim of that officer had been allowed by the Governor for such service, but to our astonishment we find that he received a warrant on the 24th of March, 1874, for \$175 to cover expenses of trip to New York, and on the 16th of November, 1874, he received \$35 for expenses attending a visit to North Alabama.

In November, 1874, Mr. W. B. Noble received \$35 for expenses to Hillsboro, in North Alabama, and in same month C. J. Atkinson received \$0 for expenses of a trip to the same place. These parties, including Arthur Bingham, seem to have been traveling messengers of the Governor, but the vouchers do not show for what purpose they visited the Governor at his home in North Alabama, nor can we ascertain by what authority the Governor ordered the expenses of such messengers to be paid from the contingent fund. Had the Governor been at the capitol these expenditures might have been avoided. Moreover, it is doubtful whether the amounts charged were actually paid out, as we are informed that Arthur Bingham had a free pass over the South & North railroad.

We find the following remarkable order made by Governor Lewis on the 2d of November, 1874.

" Let warrant issue on contingent fund for five hundred dollars, as compensation to Charles J. Atkinson for extra labor,

truable, to and in connection with the bacon for the overflowed districts in Alabama, under act of congress.

(Signed)                   DAVID P. LEWIS,  
Governor.

A warrant was issued and paid for this amount.

Mr. Atkinson had previously received the sum of \$1600 for his services and expenses in distributing the overflowed bacon ; but the Governor, to attest his high appreciation of the valuable services rendered by Mr. Atkinson, graciously allowed him \$500 more.

On the 17th of November, 1874, just before Gov. Lewis retired from office, N. H. Rice, the retiring secretary of State, was paid the sum of \$952 from the contingent fund for affixing the seal of the State to 952 bonds of the State issued and delivered to railroad companies under an act of the General Assembly. Your committee do not believe that Mr. Rice was entitled to any compensation for this service. The law which authorizes him to charge one dollar for affixing the seal of the State to a public document for the benefit of an individual or corporation, does not, in the opinion of your committee, impose that expense upon the State when the seal of the State is attached to a bond of the State issued under an act of the General Assembly. If this view of the case be correct, Mr. Rice should be required to refund to the State the \$962 illegally paid to him.

Your committee have endeavored to faithfully discharge the duties imposed upon them by the Senate. It gives us no pleasure to expose the illegal acts of public officers, or the wasteful use of the public money. The contingent fund is placed under the control of the Governor, to be used with discretion, for the welfare of the State. It is a sacred fund, and should only be used in the manner and for the purposes contemplated by the General Assembly. Whether good faith and sound discretion in the use of the fund have been observed during the period embraced in our investigation, can be determined by a careful examination of the facts disclosed in this report, and in the report of the State auditor for the fiscal year ending on the 30th of September last.

Respectfully submitted,

W. G. LITTLE, JR.  
JOHN W. INZER,  
J. D. DRIESBACH.

[No. 2911.]

EXHIBIT A.

THE STATE OF ALABAMA,  
TO D. P. LEWIS, DR.

For services rendered while visiting New York, in selling  
the road and lands of the Alabama and Chattanooga Railroad,  
eight hundred dollars..... .. \$800 00

Approved, and ordered paid from the fund appropriated to  
pay the contingent expenses of the State.

DAVID P. LEWIS,  
Governor.

Received the Auditor's warrant in full of above account.  
August 13, 1874.

DAVID P. LEWIS,  
Governor.

\_\_\_\_\_  
[No. 2910.]

THE STATE OF ALABAMA,  
To D. P. LEWIS, DR.

For services as per account annexed, two hundred and  
twenty-five dollars..... .. \$225 00

Approved, and ordered paid from the fund appropriated to  
pay contingent expenses.

D. P. LEWIS,  
Governor.

By GEO. W. WILBURN,  
Private Secretary.

Received the Auditor's warrant in full of above account.  
August 13, 1874.

D. P. LEWIS,  
Governor.

To above warrant is attached receipt, which reads as fol-  
lows:

THE STATE OF ALABAMA,  
To D. P. LEWIS, DR.

One book case, and freight..... .. \$67 00

One refrigerator.....	65 00
Telegrams and postage. ....	50 00
Traveling expenses, &c., on business of State.....	43 00

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[No. 2328.]

THE STATE OF ALABAMA,  
To D. P. LEWIS, DR.

To expenses incurred traveling on official business to Florida and New York, hotel bills and rail, &c., &c., eight hundred dollars..... \$800 00

Approved, and ordered paid from the contingent fund.

D. P. LEWIS,  
Governor.

By CHAS. J. ATKINSON,  
Acting Private Secretary.

Received Auditor's warrant in full of above amount.  
Montgomery, April 18, 1875.

DAVID P. LEWIS,  
Governor.

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[No. 2164.]

THE STATE OF ALABAMA,  
To D. P. LEWIS, DR.

For services rendered, to cash paid out for traveling expenses and telegrams, sixty-four dollars and thirty cents. \$64 30

Approved, and ordered paid from the fund appropriated to pay contingent expenses.

DAVID P. LEWIS,  
Governor.

By CHAS. J. ATKINSON,  
Acting Private Secretary.

Received the Auditor's warrant in fall of above account.  
March 31, 1874.

DAVID P. LEWIS,  
Governor.

[No. 2768.]

THE STATE OF ALABAMA,  
To CHAS. J. ATKINSON, DR.

For services rendered, express charges, telegrams, post-office box rents, stamps and wrappers, fifty dollars.... \$50 00  
Approved, and ordered paid from the fund appropriated to pay contingent expenses.

DAVID P. LEWIS,  
Governor.

By CHAS. J. ATKINSON,  
Acting Private Secretary.

Received the Auditor's warrant in full of above account.  
C. J. ATKINSON,

Attached to above warrant is the following receipt :

MONTGOMERY POSTOFFICE,  
July 3, 1874.

Received of Chas. J. Atkinson, Secretary to Gov. Lewis, the sum of forty dollars for box rents of departments, postage stamps and newspaper wrappers..... \$40 00

EUGENE A. COREY,  
Assistant Postmaster.

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[No. 2897.]

THE STATE OF ALABAMA,  
To CHAS. J. ATKINSON, DR.

For services rendered, traveling expenses to Huntsville on official business, telegrams, postage and expressage, fifty dollars. .... \$50 00

Approved, and ordered paid from the funds appropriated to pay contingent expenses.

DAVID P. LEWIS,  
Governor.

Received the Auditor's warrant in full of above account.  
August 7, 1874.

CHAS. J. ATKINSON.

[No. 2768.]

THE STATE OF ALABAMA,  
To CHAS. J. ATKINSON, DR.

For services rendered as per attached statement, vouchers, receipts, and all paper on file in Governor's office, sixteen hundred dollars.....\$1,600 00

Approved, and ordered paid from the fund appropriated to pay contingent expenses.

DAVID P. LEWIS,  
Governor.

Received Auditor's warrant in full of above account.  
September 30, 1874.

C. J. ATKINSON.

Memorandum (in pencil on warrant)—

8th August.	Received.....	\$ 100 00
18th “	Received.....	1,000 00
4th Sept.	Received.....	400 00
		<hr/>
		\$1,500 00 obligations.
Due C. J. A.....		100 00
		<hr/>
		1,600 00
		<hr/>

THE STATE OF ALABAMA,  
To CHAS. J. ATKINSON, DR.

For expenses incurred in the distribution, receipt and shipment to different agents, of the rations donated by act of Congress, for the sufferers on the Tombigbee, Warrior and Alabama rivers, as follows :

In United States Currency.

Aug. 19, 1874—to freight on 45 hds bacon, shipped by order of Hon. Chas. Hays to J. W. Dereen, Demopolis, for distribution in the fourth congressional district, weighing, nett, 53,663 lbs., gross, 57,968 lbs. at 24c. per 100, \$139 15.

Marking and loading the above, \$4 50.

Aug. 20.—To freight on 31 boxes and 5 hds bacon, shipped by order of Hon. Chas. Pelham, to Geo. N. Braxdell, Talladega, for distribution in a portion of the third congressional



district, weighing, nett, 20,536 lbs. ; gross, 21,964 lbs. at 73c. per 100 lbs., \$160 35.

Drayage on above, \$11.

Marking and loading, \$3 60.

Freight on 18 hds. and 1 box of bacon, shipped by order of Hon. Chas. Pelham, to Wm. H. Betts, Opelika, for part distribution in third congressional district, weighing, nett, 21,266 lbs. ; gross, 22,948 lbs., at 24c. Per 100, \$52 85.

Drayage on above and others, \$11.

Marking and loading same, \$1 90.

Aug. 19.—Freight on 28 hds bacon, shipped by order of Hon. C. C. Sheets, to John H, Austin, Decatur, for distribution in the fifth and sixth congressional districts, weighing, nett, 31,278 lbs. ; gross, 33,896 lbs. at 60c. per 100 lbs., \$203 40.

Aug. 20.—Freight on 33 boxes bacon, shipped by order of Hon. J. T. Rapier, for distribution in the second congressional district ; weight, nett, 15,496 lbs.; gross, 16,500 lbs. at 15c. per 100 lbs., \$24 75.

Marking and shipping, \$3 30.

Aug. 31.—Drayage on 38 hds. bacon from railroad depot to bonded warehouse of W. B. & Co., \$19.

Drayage on 37 hds. bacon from Commerce street to bonded warehouse of W. B. & Co., \$19.

Sept. 14.—Freight on 26 hds. bacon, shipped by order of Hon. J. T. Rapier, to Hendrix & Thompson, Montgomery, for distribution in the second congressional district, weighing, nett, 26,906 lbs.; gross, 29,195 lbs., at 15c. per 100 lbs., \$43 90.

Marking, shipping and loading 54 hds., \$10.

Shipping charges, drayage, marking, loading, etc., on 74 hds., paid M. W. & Co., \$37.

Sept. 17.—Traveling expenses to Mobile, three trips, and one trip to New Orleans ; telegrams received and sent ; hotel bills and other expenses, \$294.

Total, in United States currency, \$1,038 20.

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#### State Obligations.

Sept. 14.—To freight on 21 hds. bacon, shipped by order of Hon. A. White to M. G. Candee, to various landings on the Alabama river, for distribution, in the first congressional district, weighing 25,868 lbs., nett, at \$3 50 per cask, per steamer, \$73 50.

Freight on 20 hds, bacon, shipped as above to W. N. Boynton, to Portland, five to Cahawba, and ten to Selma, weighing 22,630 lbs., nett, at \$3 60 to way-landings, and \$3 per cask to Selma, per steamer, \$66.

To freight on — hds. bacon, shipped as above to M. C. Osborn, to various points, weighing 7,353 lbs. nett, at — \$25.

To storage on 74 casks bacon, stored in Waring, Braniard & Co.'s bonded warehouse, at 50c. per month, (one month,) \$37.

Total State obligations, \$200 50.

#### MEMORANDUM.

##### DR.

To State obligations received from Treasurer on  
warrant..... \$1,600 00

##### CR.

By State obligation expended as per account. .... \$ 200 00  
By State obligations sold as per memorandum.... 1,400 00

\$1,600 00

##### DR.

To cash received by sale of \$1,400 00 obligations... \$1,038 70

##### CR.

By cash expended as per account..... \$1,038 20  
Balance..... 50  
(Paid on State money account, \$200.)

\$1,038 70

#### SALE OF OBLIGATIONS.

Aug. 8th,	\$100 to Beecher, @ 75 cents .....	\$ 75 00
" 19th,	\$300 to Garnett @ 75 cents.....	225 00
" "	\$520 to D. C. Rugg @ 76 cents.....	395 20
" 28th,	\$ 30 to Lehman, D. & Co. @ 70 cents.....	21 00
" 31st,	\$150 to Garnett & Co. @ 75 cents .....	112 50
Sept 11th,	\$100 to Lehman, Durr & Co. @ 70 cts.	70 00
" 14th,	\$150 to Garnett & Co. @ 70 cents....	105 00
" 23rd	\$ 50 to Lehman, Durr & Co. @ 70 cents.	35 00

\$1,400 State obligations..... .. \$1,038 70

All the receipts, vouchers and other papers in relation to this matter on file in the Governor's office.

[No. 2534.]

THE STATE OF ALABAMA,  
To CHARLES J. ATKINSON, DR.

For services rendered, postage stamps, express charges, telegrams, and satchel for mail messenger, eighteen dollars and fifty cents ..... \$18 50

Approved and ordered paid from the fund appropriated to pay contingent expenses.

DAVID P. LEWIS,  
Governor.

By CHAS. J. ATKINSON,  
Acting Private Secretary.

Received the Auditor's warrant in full of above account.  
CHAS. J. ATKINSON.

[No. 2163.]

THE STATE OF ALABAMA,  
TO CHARLES J. ATKINSON, DR.

Postage stamps for use in Departments of State, fifty dollars..... \$50 00

Approved and ordered paid from the fund appropriated to pay contingent expenses.

DAVID P. LEWIS,  
Governor.

By CHAS. J. ATKINSON,  
Acting Private Secretary.

Received the Auditor's warrant in full of above account, March 31st, 1874.

C. J. ATKINSON.

[No. 2038.]

THE STATE OF ALABAMA,  
 To CHARLES J. ATKINSON, DR.

March, 1874.

To cash paid for postage stamps, expressage on books, telegrams and sundries, forty-two dollars..... \$42 00  
 Approved and ordered paid from the contingent fund.

DAVID P. LEWIS,  
 Governor.

Received Auditor's warrant in full of the above.  
 CHAS. J. ATKINSON.

—————  
 [No. 1770.]

THE STATE OF ALABAMA,  
 To D. P. LEWIS, DR.

For services rendered for traveling expenses on public business, and as per account, eighty-six dollars and fifty cents.....\$86 50

Approved, and ordered paid from the fund appropriated to pay contingent expenses.

D. P. LEWIS,  
 Governor.

By GEO. W. WILBURN,  
 Private Secretary.

Received Auditor's warrant in full of above account.  
 December 26, 1873.

D. P. LEWIS,  
 By CHAS. J. ATKINSON.

To above warrant is attached the following paper:

THE STATE OF ALABAMA,  
 To D. P. LEWIS, DR.

Nov. 15, 1873.—To cash paid express for books for State Library.....\$ 7 20  
 Traveling expenses on public business, etc.; postage and telegrams..... 78 00  
 Nov. 25.—Telegram..... 80  
 Nov. 26.—Express on Louisiana Reports, for State Library..... 50  
 Total..... \$86 50

[No. 2771.]

THE STATE OF ALABAMA,  
To N. H. RICE, DR.

For expressage on books forwarded to Department ; tele-grams and postage... \$72 85  
Certified to be correct.

NEANDER H. RICE,  
Secretary of State.

Approved, and ordered paid from contingent fund.

DAVID P. LEWIS,  
Governor.

By CHAS. J. ATKINSON,  
Acting Private Secretary.

Received Auditor's warrant in full for above stated amount.  
July 15, 1874.

N. H. RICE.

\_\_\_\_\_

[No. 2920.]

THE STATE OF ALABAMA,  
To D. D. SMITH, DR.

For services rendered ; traveling expenses incurred on official business for the State, fifty dollars..... \$50 00

Approved, and ordered paid from the funds appropriated to pay contingent expenses.

DAVID P. LEWIS,  
Governor.

Received Auditor's warrant in full of above account.  
August 17, 1874 .

D. D. SMITH.

\_\_\_\_\_

[No. 2921.]

THE STATE OF ALABAMA,  
To WM. H. SMITH, DR.

For services rendered as agent of the State to Georgia, in relation to A. and C. R. R. bonds, five hundred dol-

lars..... \$500 00

Approved and ordered paid from the fund appropriated to pay contingent expenses.

DAVID P. LEWIS,  
Governor.

Received the Auditor's warrant in full of above account.  
August 17, 1874.

W. H. SMITH.  
By D. D. SMITH.

\_\_\_\_\_  
No. 2944.]

THE STATE OF ALABAMA,  
TO GEO. W. WILBURN, DR.

For services rendered, postage stamps, telegrams, expressage and drayage, seventy-five dollars..... \$75 00

Approved, and ordered paid from the fund appropriated to pay contingent expenses.

DAVID P. LEWIS,  
Governor.

By CHAS. J. ATKINSON,  
Acting Private Secretary.

Received the Auditor's warrant in full of above account.  
August 27, 1874.

GEO. W. WILBURN.

\_\_\_\_\_  
[No. 3063.]

THE STATE OF ALABAMA,  
To ARTHUR BINGHAM, DR.

For expenses incurred in visiting Mobile and New York during the fiscal year ending September 30, 1874, on official business for the State of Alabama, twelve hundred dollars... .. \$1200 00

Approved, and ordered paid from the contingent fund.

DAVID P. LEWIS,  
Governor.

Received Auditor's warrant in full of above.  
September 30, 1874.

ARTHUR BINGHAM.

\_\_\_\_\_  
[No. 998.]

THE STATE OF ALABAMA,  
To R. W. RUTER, DR.

For expenses of trip to Tallahassee, Fla., in connection  
with annexation, two hundred and seventy-one dollars and  
fifty cents ..... \$271 50  
For expenses of trip to Huntsville, Alabama, on same  
business, nineteen dollars and fifty cents..... \$19 50  
For expenses of trip to Pensacola, Fla., on same business,  
fifty-two dollars..... \$52 00

MEMORANDUM.

By cash on previous warrants, \$300, at 25 per cent. dis-  
count ..... \$225 00  
Balance due me..... 118 00  
\_\_\_\_\_  
\$343 00

Approved, and ordered paid, one hundred and eighteen  
dollars contingent fund.

D. P. LEWIS,  
Governor.

By GEO. W. WILLIAMS,  
Private Secretary.

Received Auditor's warrant in full of above.  
December 3, 1873.

R. W. RUTER.

\_\_\_\_\_  
[No. 280.]

THE STATE OF ALABAMA,  
TO JOHN A. BINGHAM, DR.

To signing coupons and numbering bonds for purchase of  
penitentiary farm, fifty dollars ..... \$50 00

I certify the above account to be correct.

J. A. BINGHAM.

Approved, and ordered paid from contingent fund.

DAVID P. LEWIS,  
Governor.

By CHAS. J. ATKINSON,  
Acting Private Secretary.

I hereby certify that the above work was ordered by me,  
and account for same to be correct.

AUTHOR BINGHAM,  
State Treasurer.

Received Auditor's warrant in fall of above account.  
November 4, 1873.

J. A. BINGHAM.

\_\_\_\_\_  
[No. 1240.]

THE STATE OF ALABAMA,  
TO C. W. KENNEDY, DR.

For ice furnished State offices, ninety-six dollars and  
thirty-eight cents..... \$96 38

Approved, and ordered paid from the fund appropriated to  
pay contingent expenses.

D. P. LEWIS,  
Governor.

By GEO. W. WILLIAMS,  
Private Secretary.

Received Auditor's warrant in full of above account.  
C. W. KENNEDY.

To above warrant is attached following paper :

STATE OF ALABAMA,  
To C. W. KENNEDY, DR.

August 31, 1873.

In	"	August.....	\$41 01
In	"	September.....	36 12
In	"	October to 20th.....	19 25

\_\_\_\_\_  
\$96 38



[No. 1350.]

THE STATE OF ALABAMA,  
To RUTTON & BONN,

For telegrams to London, England, as per account, eight hundred and forty-eight dollars and three cents..... \$848 03

Approved, and ordered paid from the fund appropriated to pay contingent expenses.

D. P. LEWIS,  
Governor.

By GEO. W. WILBURN,  
Private Secretary.

Received the Auditor's warrant in full of above account.  
December 13, 1873.

RUTTON & BONN,  
Per E. SATINER

To above warrant is attached paper which reads as follows :

MEMORANDUM.

To D. P. Lewis, Governor State of Alabama, from Rutton & Bonn, 52 Exchange Place, New York, July 9, 1873,

DR.

To our disbursements for cablegrams from here to London and Frankfort, and from there to here as by our letter of date to David Solomon, by gold..... \$772 70  
Premium on gold, 9¾ per cent..... 75 33 \$848 03

MEMORANDUM.

TO D. SOLOMON, ESQ., CITY  
From Rutton & Bonn,  
52 Exchange place,  
New York, Dec. 9, 1873.

In receipt of yours, we hand your bill for our outlays in the Alabama matter, as requested, and are

Yours, respectfully,  
R. & B.

[No. 2482]

THE STATE OF ALABAMA  
To J. L. TAIT, DR.

For to pay expenses to New York on business of the State,  
one hundred and fifty dollars..... \$150 00

Approved, and ordered paid from the fund appropriated to  
pay contingent expenses.

D. P. LEWIS,  
Governor.

By GEO. W. WILLIAMS,  
Private Secretary.

Received the Auditor's warrant in full of above account.  
May 15, 1874.

JAMES L. TAIT.

\_\_\_\_\_  
[No. 2568.]

THE STATE OF ALABAMA,  
To JAMES L. TAIT, DR.

For services rendered in connection with the sale of the  
lands of the A. & C. R. R., two hundred and fifty dol-  
lars..... \$250 00

Approved, and ordered paid from the fund appropriated to  
pay contingent expenses.

DAVID P. LEWIS,  
Governor.

By CHAS. J. ATKINSON,  
Acting Private Secretary.

Received the Auditor's warrant in full of above account.  
June 2, 1874.

JAMES L. TAIT.

\_\_\_\_\_  
[No. 2326.]

THE STATE OF ALABAMA,  
To L. H. SCRUGGS, DR.

As for commissioner for the A. & C. Railroad, in the mat-

ter of partition of the lands held in common between the A. and C. Railroad, and Selma, Rome and Dalton Railroad Companies, seven hundred and fifty dollars..... \$750 00

Approved, and ordered paid out of the contingent fund.  
DAVID P. LEWIS,  
Governor.

Received Auditor's warrant in full of above account.  
Montgomery, April 18th, 1874.

L. H. SCRUGGS.

—————  
[No. 2233.]

THE STATE OF ALABAMA,  
BOUGHT OF D. ABRAHAM.

January 29, 1 looking glass. ....	\$5 00
" " 1 brush and comb.....	1 50
" " 1 clothes brush.....	1 25
	\$7 75

I hereby certify that the above account is correct.

NEANDER H. RICE.  
Secretary of State.;

Approved and ordered paid from the contingent fund.

DAVID P. LEWIS,  
Governor of State.  
By CHAS. J. ATKINSON,  
Acting Private Sec'y.

Correct.

R. T. SMITH,  
Auditor.

By O. W. ROBERTS, JR.  
February 3, 1874.

Received Auditor's warrant in full of above,  
D. ABRAHAM,  
Per BENSON.

April 3, 1874.

## EXHIBIT " B."

## POSTAGE ITEMS.

## EXECUTIVE DEPARTMENT.

Sept. 1873.—Voucher 1490, stamps.....	\$13 00
Oct. and Nov., 1873.—Voucher 267, stamps.....	13 75
Dec. 8, 1873.—Voucher — stamps.....	12 75
Dec. 22, 1873.— — — stamps.....	50 00
— — — — stamps.....	10 00
— — — — Voucher 797, stamps.....	27 50
Jan., 1874.....stamps.....	5 00
Feb., 1874.....stamps.....	6 00
March 5, 1874.....stamps .	20 00
March, 1874.....stamps.....	50 00
April, 1874.....stamps.....	20 00
Total.....	\$245 00

## SECRETARY STATE.

Nov. 3.—Stamps.....	\$38 00
May 4, 1874.—Stamps.....	20 00
June 11, 1874.—Stamps.....	20 00
August 25, 1874.—Stamps.....	20 00
August 25, 1874.—Stamps.....	20 00
Total.....	\$118 00

## AUDITOR'S OFFICE.

Nov., 1873.—Stamps.....	\$ 5 00
Dec. 31, 1873,—Stamps.....	15 00
Dec. 31, 1873.—Stamps.....	10 00
March 17, 1874.—Stamps.....	20 00
April 20, 1874.—Stamps.....	20 00
May 19, 1874.—Stamps... ..	10 00
Sept. 5, 1874.—Stamps.....	10 00
— — —Stamps.....	10 00
Total.....	\$100 00

## TREASURY DEPARTMENT.

Dec. 31, 1873.—Stamps.....	\$13 00
Jan. 1 to March.—Stamps .....	33 00
— — —Stamps.....	32 50
 Total .....	<hr/> \$78 50

## SUPREME COURT.

Dec. 17, 1873.—Stamps. ....	\$20 00
Dec. 29, 1873.—Stamps .....	20 00
Dec. 31, 1873.—Stamps.....	20 00
March, 1874.—Stamps.....	10 00
March 15, 1874——.....	10 00
April, 1874.—Stamps.....	10 00
May, 1874.—Stamps .....	10 00
June, 1874.—Stamps.....	10 00
June, 1874.—Stamps.....	10 00
July, 1874.—Stamps.....	10 00
August, 1874.—Stamps.....	20 00
 Total.....	<hr/> \$150 00

## EXHIBIT C.

STATE OF ALABAMA.

NEW YORK, August 1, 1874.

## Bought of S. Benedicks &amp; Co.

Prices paid		
by State	Joel White's	
Prices, Mont-		
gomery.		
32 Reams Notes, Legal Cap.....		\$ 9 95
8 " " .....		9 95
10 " Pear Spring Foolscap.....		8 37
12 " Philadelphia 18 Legal Cap.....		13 75
7 Gross Faber's Pencils.....		10 87
1 " " Hexican.....		
1 " Penholders, 2,241.....		
1 " " 1,855.....		
1 " " 1,755.....		
1 " " 2,930.....		
1 " " 1,677.....		
12 dozen " Rubber.....		6 50
25 Gross Spencerian Pens, Com.....		2 18
14 " " C. H.....		2 18
6 " Gillot, 1 and 3.....		2 18
4 " Bank Pens.....		1 75
4 " Amalgan.....		1 62½
4 " Falcon.....		1 50
6 " Rubber Bands, 43.....		2 50
6 " " " 44.....		4 00
4 " " " 45.....		4 75
5 " " " 00 1/4.....		2 50
6 " " " 00 ½.....		4 75
6 " " " 000 1/4.....		3 25
6 " " " 000 ½.....		4 00
5 " " " 0000 ½.....		4 37
3 Dozen Rodger's Steel Erasers, 18, 149.....		13 12 ½
2 " " " " 116,98.....		12 00
4 " " " " 116,88.....		10 87
3 " " " " 181,50.....		18 12
4 " Ruling Pens.....		11 25
4 " Dottles Pounce.....		2 87
3 " Pounce Boxes.....		3 62
1 " Lane Rulers, 18 in.....		
1 " " " 24 " .....		
1 " Indian Rubber Rulers, 18 in.....		
1 " " " " 24 " .....		
1 " " " " 15 " .....		
2 " Records, Morocco Books.....		4 00
2 " " ½ B. M. 5.....		2 37
1 " Rolls office Pins, 3.....		
1 " " " " 4.....		

1	“	“	“	“	5.....	
6 M.	1/2	inch	Paper	Fasteners.....	4	75
6 M.	3/4	“	“	“	5	00
2 M.	1	“	“	“	6	87 1/2
6	Paper	Punches.....	3	62 1/2		
8	Reams	Carew's	Letter	Paper.....	6	87 1/2
8	“	“	Note	Paper.....	4	75
4	Dozen	Sponges.....	3	25		

Amount Carried Forward      \$ 318 40

79 60  
83 75  
165 00  
76 13  
15 62  
    4 00  
13 00  
    9 75  
    6 25  
    8 00  
78 00  
54 68  
30 63  
13 12  
    7 00  
    6 50  
6 00  
15 00  
24 00  
19 00  
12 50  
28 50  
19 50  
24 00  
21 87  
39 37  
24 00  
43 50  
54 37  
45 00  
11 50  
10 87  
17 00  
19 50  
21 75  
30 50  
18 12  
96 00  
57 00  
    2 50  
    2 37  
    2 25  
28 50  
30 00

13 75  
21 75  
55 00  
38 00  
13 00

\$ 1,855 40    \$ 172 80

43 20  
46 50  
123 60  
52 50  
11 00  
1 65  
5 00  
4 15  
2 75  
4 50  
36 00  
31 25  
17 50  
8 10  
2 80  
2 80  
2 80  
7 50  
9 00  
8 00  
6 25  
12 00  
9 00  
15 00  
13 75  
24 75  
13 20  
23 40  
37 20  
24 00  
7 00  
8 25  
9 00  
10 50  
9 00  
15 00  
6 50  
54 00  
30 00  
1 25  
1 20  
1 15  
18 00  
20 40  
8 80  
10 50  
43 20



26 40  
6 00

\$ 1,058 10

## EXHIBIT C.----Continued.

STATE OF ALABAMA.

NEW YORK, August 1, 1874.

Bought of S. Benedicks &amp; Co.

Prices paid  
by State. Joel White's  
prices, Mont-  
gomery

Amount brought forward . . . . .	
4 Dozen Red Pencils.....	\$ 2 50
4 " Blue " . . . . .	2 50
4 " Green " . . . . .	2 50
3 " Rolls Tape, 15 . . . . .	14 12
3 " " " 17.....	15 25
3 " " " 19 . . . . .	17 00
3 " " " 21 . . . . .	18 12
6 Pounds Sealing Wax.....	2 18 ½
36 Dozen Moor's Ink.....	1 12
30 " Morgan's Mucilage.....	3 25
14 Beams Engrossing Paper. . . . .	57 62 ½
14 " Enrolling Paper . . . . .	19 62
4 Extra Folio . . . . .	17 00
3 Dozen Barometer Ink Stands.....	3 62 ½
3 " Combination Ink Stands.....	5 12 ½
½ " Fancy Glass Weight.....	2 50
½ " Photo.....	2 16
½ " Mineral.....	2 50
½ " Flower.. . . . .	2 50
3 " Morgan's Mucilage Stands.....	2 62 ½ .
13.Cases Strapping and Cartage.....	
Insurance to Savannah.....	

## GOVERNORS'S OFFICE

2 Reams Letter Heading, ½ Sheets.....	22 87 ½
1 " Whole Sheets.....	
1 " Note Heads.....	
1,000 Official Envelopes.....	
1,000 Letter " . . . . .	
1 Copying Book.....	
1 Pair Office Shears.....	
1 Emerson's File.....	
3 Pounds Scaling Wax.....	
1 Postage Stamp Box.....	
1 Dozen Drawing Pens . . . . .	
2 Perpetual Calendars. . . . .	

## SUPERINTENDENT OF PUBLIC INSTRUCTION.

2 ¼ Reams Letter Heading, Whole Sheets.....	22 87 ½
2 ¼ " Note Headings.....	15 20

1 c " Letter Heads, 1/2 Sheets..... 22 87 1/2  
1 c " Note Heads, 1/2 Sheets. .... 15 20  
1,000 Official Envelopes.....  
1,000 Letter " .....  
3 Dozen Moor's Ink..... 1 12 1/2  
3 Bottles Arnold's Copying Ink.....2 00 \$ 1,855 40

10 00  
10 00  
10 00  
42 37  
45 75  
51 00  
54 37  
13 12  
40 50  
97 50  
806 75  
274 75  
68 00  
130 50  
184 55  
15 00  
12 96  
15 00  
15 00  
94 50  
35 12  
18 75

45 75  
22 87  
15 20  
18 60  
10 50  
6 50  
2 25  
2 50  
8 62  
1 62  
11 25  
16 00

51 47  
34 20  
25 75  
17 10  
18 50  
10 50  
3 37  
6 00  
\$1,058 10

5 00  
5 00  
5 00  
15 45  
18 75  
19 80  
21 75  
7 50  
16 20  
72 00  
301 00  
168 00  
41 20  
64 80  
99 00  
4 50  
7 50  
12 00  
9 00  
63 00  
19 50  
18 75

26 00  
13 00  
9 00  
10 25  
5 80  
4 00  
1 50  
1 25  
3 75  
1 00  
6 00  
2 50

29 25  
20 25  
14 62  
10 12  
10 25  
5 80  
1 35  
3 60

Amount Carried Forward..... \$ 4,228 39 \$ 2,231 09

EXHIBIT C - Continued.  
 STATE OF ALABAMA.  
 Bought of S. Benedicks & Co.

NEW YORK, August 1, 1874.

Prices paid  
 by State. Joel White's  
 prices, Mont-  
 gomery

Amount brought forward . . . . .	
1 doz. boxes Congress Quills . . . . .	2 25
6 reels Red Tape . . . . .	1 62 ½
1 five part Envelope Case . . . . .	
1 Stationery Case . . . . .	
2 Letter Clips . . . . .	1 25
2 Board Clips . . . . .	2 25
2 Moor's Blotting Pads . . . . .	1 62 ½
2 Blotting Pads for same . . . . .	

BUREAU OF INDUSTRIAL RESOURRCES

1 case, 1000 Letter size Envelopes . . . . .	
1000 large size " . . . . .	
1 ream Letter Heads . . . . .	1 83 ⅓

ATTORNEY – GENERAL

2 reams Note Headings . . . . .	15 20
2 " Letter Headings . . . . .	22 87 ½
1000 Letter Envelopes . . . . .	
1000 Official " . . . . .	

TREASURY DEPARTMENT.

2 reams Letter Headings . . . . .	22 87 ½
2 M large Envelopes . . . . .	18 50
3 M Letter " . . . . .	10 50
2 doz. Rubber Penholders . . . . .	6 50
1 quart bottle Copying Ink . . . . .	
3 Ivory Paper Holders . . . . .	1 62 ½
6 Rubber Copy Sheets . . . . .	25
3 lbs. Sealing Wax . . . . .	2 25
12 Reporter's Pads . . . . .	45
3 Glass Paper Weights . . . . .	2 25

AUDITOR'S OFFICE

16 reams Letter Heads, ½ sheets . . . . .	22 87 ½
3 " Note Headings . . . . .	15 20
2 " Envelope Paper . . . . .	10 87 ½
3 doz. sheets Blotting Paper . . . . .	
7 M large Envelopes . . . . .	18 50

2 M No. 14, largest size.....	26 80	
2 M Letter size.....	10 50	
2 doz. India Rubber Penholders.....	6 50	
5 Crystal Inkstands.....	3 62 ½	
5 Penracks.....	1 50	
1 doz. Rubber Erasers.....		\$ 4228 39

27 00  
9 75  
2 50  
4 00  
2 50  
4 50  
3 25  
1 12

10 50  
18 50  
22 87  
5 50

30 40  
45 75  
10 50  
18 50

45 75  
37 00  
31 50  
13 00  
2 00  
4 87  
1 50  
6 75  
5 40  
6 75

366 00  
45 60  
21 75  
5 25  
129 50  
53 60  
21 00  
13 00  
18 12  
7 50  
4 00

\$ 2,231 09

16 80  
3 60  
1 25  
2 75  
1 50  
1 80  
2 00  
50

5 80  
10 25  
13 00  
2 25

18 00  
26 00  
5 80  
10 25

26 00  
20 50  
17 40  
6 00  
1 20  
2 25  
90  
3 75  
3 00  
3 75

208 00  
27 00  
12 00  
3 00  
71 75  
32 00  
11 60  
6 00  
12 50  
5 00  
2 65

Amount Carried Forward..... \$ 5,275 37 \$ 2,828 54

## EXHIBIT C—Continued.

SECRETARY OF STATE Prices paid  
by State. Joel White's  
Prices, Mont-  
gomery.

Amount brought forward .....	
2000 Official Envelopes.....	18 50
2000 Letter Envelopes.....	10 50
Engraving Letter Headings.....	
2 reams Letter Headings.....	22 87 ½
3 “ “ “ ½ sheets.....	22 87 ½
12 doz. Mammoth Ink Erasers.....	4 00
10 M water Letter Envelopes.....	10 50
8 M “ “ large size.....	18 50
2 M “ “ largest size.....	26 80
1 plate for tho same.....	

## MARSHAL AND LIBRARIAN OF SUPREME COURT.

2000 Official Envelopes.....	18 50
1000 Letter Envelopes.....	
2 reams Letter Heads, whole sheets.....	22 87 ½
1 “ “ ½ sheets.....	
1 “ Note Headings.....	
2 new plates for Envelopes.....	

## OFFICE CLERK SUPREME COURT.

2 M Official Envelopes.....	18 50
1 M Letter “ .....	18 50
1 M Plain “ .....	
1 M Large “ .....	
2 reams Letter Headings.....	22 87 ½
1 “ Note “ .....	
1 “ Letter Paper .....	
1 “ Note “ .....	

## SENATE CHAMBER.

8 reams Lith. Letter Headings.....	15 62 ½
8 “ Note Headings.....	10 87 ½
8 M large Envelopes.....	15 20
4 M small “ .....	8 37 ½

## HOUSE OF REPRESENTATIVES

26 reams Letter Heads .....	15 62 ½
26 “ Note “ .....	10 87 ½
18 m large Envelopes .....	15 20
8 M Letter “ .....	8 57 ½
Cases stp. and cartage .....	



Insurance to Savannah .....

Amount first bill.....

Total amount attached.....

Secretary State's com.....

Total amount with com. .... \$ 5,275 37

37 00  
21 00  
11 40  
45 75  
68 62  
48 00  
105 00  
148 00  
53 60  
12 25

37 00  
10 50  
45 75  
22 87  
15 20  
23 50

37 00  
15 50  
8 00  
15 62  
45 75  
15 20  
6 87  
4 75

125 00  
87 00  
121 60  
35 50

406 25  
282 75  
273 60  
67 00  
42 68

17 50

            
\$ 3,691 44  
3,880 84

            
\$ 7,572 28  
189 30

                \$    2,828 54

20 50  
11 60  
11 40  
26 00  
39 00  
31 80  
58 00  
82 00  
32 00  
12 25

20 50  
5 80  
26 00  
13 00  
9 00  
23 50

20 50  
5 80  
4 30  
9 50  
26 00  
9 00  
5 35  
3 00

75 20  
52 00  
76 00  
20 00

244 40  
169 00  
171 00  
40 00  
30 00

17 50

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\$ 2,177 99  
2,052 80

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4,230 79  
105 75

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\$ 4,336 54

On motion of Mr. Robinson, it was laid on the table, and one thousand copies ordered to be printed.

MESSAGE FROM THE HOUSE;

By Mr. Whitman—

HOUSE OF REPRESENTATIVES,  
March 18, 1875.

Mr. President:

I am instructed to notify the Senate that the House refuses to concur in the Senate amendment to the House bill—

H. B. 624. To provide for the liquidation of the debts due by the penitentiary and State farm.

The House concurs in the amendment of the Senate to the joint resolution in relation to the final adjournment of the General Assembly.

The House has originated and passed the following bills:

H. B. 434. To prescribe certain duties of justices of the peace, notaries public and constables, and to secure their fees in certain cases.

H. B. 601. For the relief of John M. Quinley, of Montgomery county.

H. B. 417. To make the value of property stolen, in cases of conviction for larceny, a part of the costs in such cases, and to provide for the collection or payment thereof.

The House has amended, as therein shown, and passed the Senate bill—

S. B. 497. To provide for the payment of the expenses of the execution of the educational system of this State.

And has passed Senate bills—

S. B. 529. To revise and amend an act to keep in each county in this State, a proportionate share of the public school money, approved April 19, 1873.

S. B. 373. To provide for the collection of certain taxes therein named.

ELLIS PHELAN,  
Clerk.

ENROLLED BILLS.

Mr. Harris of Lee, from the Committee on Enrolled Bills, reported the following as correctly enrolled:

S. B. 650. To amend section one of an act to define the corporate limits of Wetumpka.

S. B. 447. To repeal an act to regulate the legal and other notices in the county of Sandford, " approved March 9, 1871."

S. B. 601. To amend section three of an act to amend certain sections of the Revised Code, viz : sections 3833, 3831, 3836, 3837, 3839, 3853, 3865 and 3856, approved February, 26, 1878.

Mr. Harris of Russell, by leave, introduced the following bill—

S. B. 743. To execute the power of disposal of the lands granted by an act of congress entitled, an act granting public lands in alternate sections to the State of Alabama to aid in the construction of the Mobile & Girard Railroad in said State, approved June 3, 1856 ; which power of disposal is conferred upon the Legislature of Alabama by said acts of congress ;

Which was read the first and second times, under a suspension of the constitutional rule.

Mr. Coleman moved to refer it to the Judiciary Committee; Lost. Yeas 9, nays 20.

Those who voted in the affirmative are—

Messrs. Cobb, Coleman, Hamilton, Harris of Lee, Little, Martin of Tuscaloosa, Moore, Robinson and Walton—9.

Messrs. Black, Cooper, Cunningham, Curtis, Dereen, Driesbach, Edwards, Farden, Golson, Grayson, Green, Harris of Russell, Inzer, Jones, Leftwich, Martin of Conecuh, Parks, Royal, Snodgrass and Terrell —20.

Mr. Cobb offered the following amendment, to be added to section one:

" That the Governor be and he is hereby authorized and required to transmit to the Alabama & Chattanooga Railroad Company, the Selma, Rome & Dalton Railroad Company, and the South & North Alabama Railroad Company, a copy duly certified by him, of the report and lists of the lands held by them in common or within their conflicting or overlapping limits, as set apart and reported by H. A. Haralson, W. H. Crenshaw and W. L. Scruggs, commissioners appointed by the Governor for that purpose, under sections 1411, 1412, 1413 and 1414 of the Revised Code, with his endorsement thereon, and such certified copy of the report and lists shall operate as a conveyance to those last mentioned railroad companies, respectively and severally, of all the right, title and interest the State may have derived for and on behalf of each of said railroads respectively and no more, under and by virtue of the acts of congress upon that subject, in and to the lands therein granted, and shall fully and legally rest all such title to said lands in and to the said railroad companies

respectively and severally in accordance with the acts of congress, and such reports and lists."

On motion of Mr. Little, the amendment was laid on the table.

Yeas 16, nays 12,

Those who voted in the affirmative are—

Messrs. Black, Cooper, Cunningham, Curtis, Dereen, Driesbach, Golson, Green, Harris of Lee, Harris of Russell, Jones, Leftwich, Martin of Tuscaloosa, Moore, Parks and Terrell—16.

Those who voted in the negative are—

Messrs. Cobb, Coleman, Edwards, Grayson, Hamilton, Inzer, Little, Martin of Conecuh, Robinson, Royal, Snodgrass and Walton—12.

Mr. Little moved to lay the bill on the table.

Lost. Yeas 9, nays 21.

Those who voted in the affirmative are—

Messrs. Cobb, Coleman, Edwards, Harris of Lee, Inzer, Little, Moore, Robinson and Walton—9.

Those who voted in the negative are—

Messrs. Black, Cooper, Cunningham, Curtis, Dereen, Driesbach, Farden, Glass, Golson, Grayson, Green, Hamilton, Harris of Russell, Jones, Leftwich, Martin of Conecuh, Martin of Tuscaloosa, Parks, Royal, Snodgrass and Terrell—21.

Mr. Parks offered the following amendment, which was adopted:

" Provided, however, that before the Mobile & Girard Railroad Company shall have any benefit from this act, that company must pay the agent, appointed by the Governor of Alabama, to select the lands within the fifteen mile limit of that road, under said act of congress of June 3, 1856, for his services in and relating to the making such selections, a just and reasonable compensation."

Mr. Martin of Tuscaloosa, offered the following amendment, which was adopted :

Amend by adding the following proviso to the end of section one, " Provided further, That said railroad shall first make and execute a bond, with approved security, in such sum as the Governor of the State may fix, conditioned that the proceeds arising from the sale of said lands, shall be appropriated in discharging the cost of the construction of said railroad."

Mr. Cobb moved to add the following proviso: " Provided, that all the provisions of this act shall apply to the South and North Alabama Railroad."

Mr. Coleman moved to take a recess for two hours.

Lost.

On motion of Mr. Robinson, the Senate adjourned.

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FRIDAY, March 19, 1875.

The Senate met pursuant to adjournment.

Prayer by Rev. Dr. Andrews.

Present:

Messrs. Black, Coleman, Cunningham, Curtis, Dereen, Driesbach, Farden, Golson, Grayson, Harris of Lee, Harris of Russell, Inzer, Jones, Leftwich, Little, Martin of Conecuh, Martin of Tuscaloosa, Moore, Royal, Snodgrass and Walton—21.

The journal of yesterday was read and approved.

Mr. Cunningham, from the Committee on Finance, reported favorably to the House bill—

H. B. 729. To make appropriations for the fiscal year ending September 30, 1875.

Mr. Farden moved to amend by reducing the salary of the marshal and librarian of the supreme court from two thousand to twelve hundred dollars.

The amendment was adopted.

In motion of Mr. Cobb, the vote by which the amendment was adopted was reconsidered.

On motion of Mr. Parks, the amendment was tabled.

Yeas 14, nays 12.

Those who voted in the affirmative are—

Messrs. Cobb, Coleman, Cunningham, Dereen, Driesbach, Edwards, Hamilton, Harris of Lee, Inzer, Little, Martin of Tuscaloosa, Parks, Robinson and Walton—14.

Those who voted in the negative are—

Messrs. Cooper, Curtis, Farden, Glass, Golson, Green, Harris of Russell, Jones, Leftwich, Martin of Conecuh, Moore and Snodgrass —12.

Mr. Farden moved to amend by reducing the salary of the Superintendent of Public Instruction from thirty-six hundred to twenty-four hundred dollars.

On motion of Mr. Parks, the amendment was tabled.

The constitutional rule was suspended, the bill read the third time, and passed.

On motion of Mr. Coleman, the secretary was instructed to forward all bills to the House forthwith, after their passage.

The bill—

S. B. 674. To authorize the publication of the laws of a general character passed at the present session of the General Assembly ;

Was read the third time and passed.

Mr. Hamilton, from the Judiciary Committee, reported favorably to the bill—

S. B. 641. To protect the State in the payment of interest on its obligations ;

Which was read the third time, under a suspension of the constitutional rule, and passed.

#### MESSAGE FROM THE HOUSE,

By Mr. Whitman:

#### HOUSE OF REPRESENTATIVES, March 19, 1875.

Mr. President:

The House has passed the following Senate bills, and ordered the same forthwith to the Senate:

S. B. 674. To authorize the publication of the laws of a general character passed at the present session of the General Assembly.

S. B. 641. To protect the State in the payment of interest on its obligations.

The House has originated and passed the following bills:

H. B. 482. To repeal an act in relation to the fine and forfeiture fund of Tuscaloosa county, and other counties therein named, so far as the same relates to Calhoun county.

And has amended as therein shown, and passed Senate bill—

S. B. 543. To prohibit the sale of vinous, spirituous and intoxicating liquors within five miles of the following churches in Cherokee county, viz : Bethel Church, Mount Pleasant Church, Mountain Spring Church, Cornel Church, and Cedar, Bluff Church.

The House has reconsidered the vote concurring in the Senate amendment to the House Joint Resolution in regard to final adjournment of the General Assembly. And has concurred in the second amendment of the Senate to the joint resolution, viz : Striking out the second resolution. And has amended the first amendment of the Senate by making Saturday next, at 12 o'clock, m., the time for the final adjournment of the General Assembly, and asks the concurrence of the Senate in the same.

ELLIS PHELAN,  
Clerk.



## MESSAGE FROM THE GOVERNOR,

By his Private Secretary:

STATE OF ALABAMA,  
EXECUTIVE DEPARTMENT,  
March 18, 1875.

Mr. President:

The Governor has approved the following bills, which originated in the Senate:

S.B. 558. An act to repeal an act entitled " an act to authorize the commissioners' court of Shelby county to levy a special tax from year to year to pay off the present indebtedness of said county," approved November 28th, 1871.

S.B. 676. An act for the relief of the county of Macon.

S.B. 343. An act to incorporate the village of Henderson, in Pike county.

S.B. 601. An act To amend section 3 of an act to amend certain sections of the Revised Code, viz : Sections 3833, 3834, 3836, 3837, 3839, 3853, 3855 and 3856, approved February 26, 1872.

S. R. 551. Joint resolution to pay the expenses of the Joint Committee to inspect the State Penitentiary and State Farm.

S.B. 447. An act to repeal an act to regulate legal and other notices in the county of Sanford, approved March 9th, 1871.

S.B. 650. An act to amend section one of act to define the corporate limits of Wetumpka.

Respectfully,

L. R. DAVIS,  
Private Secretary.

The Senate concurred in the House amendments to the following Senate bills:

S.B. 694. To authorize the court of county commissioners of Barbour county to compromise and settle the bonded indebtedness of said county issued in payment of stock subscribed by said county to the Vicksburg & Brunswick Railroad Company.

S.B. 604. To amend sections one, two and eleven of an act to incorporate the town of Gilmer, in Lawrence county.

S.B. 518. For the relief of certain persons therein named.

S.B. 497. To provide for the payment of the expenses in the execution of the educational system of this State.

The caption of Senate bill 604 was amended by substituting "Hillsboro" for "Gilmer."

The House bills—

H. B. 403. Relating to tax on cattle and other stock in Washington county.

H. B. 404. To repeal an act entitled " an act to allow additional compensation to the judge of the probate court of Wilcox county," approved February 19, 1867.

H. B. 626. For the relief of D. A. Moniac, late sheriff of Baldwin county.

H. B. 149. To repeal section 4031 of the Revised Code of Alabama, in so far as the same applies to the county of Covington.

H. B. 492. For the relief of W. J. House, of Jackson county.

H. B. 735. To continue in force certain parts of the Revenue Laws in force on the first day of January, 1875, regulating the assessment of property.

B. B. 43 L. For the relief of W. M. Smith, of Chambers county.

H. B. 480. To regulate the payment of all claims against the fine and forfeiture fund of Clarke county, and to make the same receivable for fines due the county, and for hire of convicts.

H. B. 579. To incorporate the town of Rockford, in the county of Coosa.

H. B. 734. For the payment of repairs and articles furnished for the use of the House.

H. B. 482. To repeal an act in relation to the fine and forfeiture fund of Tuscaloosa county, and other counties therein named, so far as the same relates to Calhoun County.

H. E. 569. To pay Powell, Prickett & Co. for articles furnished the House of Representatives.

H. B. 559. For the protection of plantations and lands against the depredations of stock in Lowndes county, Alabama,

H. B. 706. For the relief of J. B. Wing.

H. B. 713. To increase the fees of constables of Bullock county.

H. B. 728. To provide a contingent fund for the support of the State Penitentiary during the year ending December 31st, 1875.

H. B. 434. To prescribe the duties of justices of the peace, notaries public and constables, and to secure their fees in certain cases.

H. B. 274. In relation to the finances of Montgomery county:

Were severally read the first, second and third times, under a suspensoin of the constitutional rule, and passed.

The House joint resolution—

Submitting claims of W. A. C. Jones to the commissioners to investigate the bonded indebtedness of the State,

Was read and adopted.

The Senate proceeded to the consideration of the bill—

S. B. 500. To establish a board of revenue for Lowndes and Wilcox counties ;

Which was read the third time and passed.

The bill—

S. B. 501. To regulate the sessions and fix the compensation of the court of county commissioners of Lowndes and Wilcox counties ;

Was read the third time.

Mr. Farden moved to lay the bill on the table.

Lost.

The bill passed.

The House bill—

H. B. 690. To amend section five of an act entitled an act to amend the corporation laws of Alabama, approved August 12, 1868 ;

Was read the third time, under a suspension of the constitutional rule, and passed.

The House bill—

H. B. 417. To make the value of property stolen, in cases of conviction for larceny, a part of the costs in such cases and to provide for the collection or payment thereof;

Was read the first, second and third times, under a suspension of the constitutional rule.

Mr. Farden moved to reconsider the vote ordering the bill to a third reading.

Lost.

Mr. Farden moved to postpone till to-morrow.

On motion of Mr. Cobb, the motion was tabled.

The bill passed.

The House bills—

H. B. 435. For the relief of C. C. Brown, Jos. H. Knighton, J. R. Hassell, John J. Williams and J. R. Watson.

H. B. 580. To make the failure of any person liable and legally notified to work on the public roads of this State, a misdemeanor ;

Were severally read the first time and laid on the table.

The House bill—

H. B. 655. To amend section three of an act to incorporate the town of Eutaw, in Greene county ;

Was read the first and second times, under a suspension of

the constitutional rule, and referred to the Committee on Municipal and County Organizations.

MESSAGE FROM THE HOUSE,

By Mr. Whitman —

HOUSE OF REPRESENTATIVES,  
March 19, 1875.

Mr. President:

The House has passed the following Senate bills—

S. R. 737. Joint resolution to pay N. W. Green, inspector of the penitentiary.

S. B. 789. To authorize the Governor to appoint commissioners to represent Alabama in the Centennial Exposition.

S. B. 719. To authorize and require the tax collector of Elmore county to receive certain claims against said county in payment of county taxes.

S. B. 586. To amend an act entitled an act farther to amend an act to incorporate the South & North Alabama Railroad Company, approved February 17, 1854, approved August 5, 1868.

S. B. 729. To extend the time for taking out licenses for the current year in this State.

S. B. 730. To authorize appeals to the supreme court in certain cases.

S. B. 734. To encourage the production of native wines.

ELLIS PHELAN,  
Clerk.

ENROLLED BILLS.

Mr. Dereen from the Committee on Enrolled Bills; reported the following as correctly enrolled :

S. B. 254. To provide for the calling of a convention to revise and amend the constitution of this State.

S. B. 373. To provide for the collection of certain taxes therein named.

S. B. 529, To revise and amend an act to keep in each county in this State a proportionate share of the public school money, approved April 19, 1873.

S. B. 518. For the relief of certain persons therein named.

S. B. 674. To authorize the publication of the laws of a general character passed at the present session of the General Assembly.

The House bill—

H. B. 393. To make persons ineligible to office under the laws of this State, who hold any office of profit or trust under the laws and government of the United States;

Was read the first and second times, under a suspension of the constitutional rule.

Mr. Golson moved to refer the bill to the Committee on Federal Relations.

Lost.

Mr. Black moved to amend by adding the following proviso :

" Provided, This act shall not apply to postmasters, officers in the militia to whose office no annual salary is attached, justices of the peace, members of the court of county commissioners, notaries public, and commissioners of deeds, who may be elected as members of the General Assembly."

On motion of Mr. Robinson, the amendment was tabled.

Mr. Farden moved to lay the bill on the table.

Lost.

On motion of Mr. Robinson, the bill was ordered to a third reading and made the special order for to-morrow, immediately after the reading of the journal.

The Senate concurred in the House amendments to the Senate bill—

S. B. 543. To prohibit the sale of vinous, spirituous and intoxicating liquors within five miles of the following churches in Cherokee county, viz : Bethel church, Mt. Pleasant church, Mountain Spring church, Cornel church and Cedar Bluff church.

The House bill—

H. B. 601. For the relief of John M. Quinby, of Montgomery county ;

Was read the first and second times, under a suspension of the constitutional rule, and passed.

On motion of Mr. Cooper, the votes by which the bill passed and was ordered to a third reading, were reconsidered.

On motion of Mr. Cooper, the bill was amended so as to prohibit him from selling or giving away vinous, spirituous or intoxicating liquors without a license.

The constitutional rule was suspended, the bill read the third time and passed.

The House bill—

H. B. 652. To repeal an act to prevent the hiring out of convicts beyond the limits of the county in which they are convicted, approved April 10, 1873 ;

Was read the first and second times, under a suspension of the constitutional rule.

Mr. Farden moved to amend by exempting the county of Montgomery from the provisions of the bill.

On motion of Mr. Parks, the amendment was tabled.

Mr. Golson moved to amend by exempting Autauga.

Lost.

Mr. Jones moved to except Lowndes county.

Lost.

Mr. Black moved to refer the bill to a committee.

Lost.

Mr. Golson moved to indefinitely postpone.

Lost.

Mr. Farden moved to table the bill.

Lost. Yeas 9, nays 20.

Those who voted in the affirmative are —

Messrs. Black, Curtis, Dereen, Farden, Glass, Golson, Green, Jones and Royal—9.

Those who voted in the negative are—

Messrs. Cobb, Coleman, Cooper, Cunningham, Driesbach, Edwards, Grayson, Hamilton, Harris of Lee, Inzer, Leftwich, Little, Martin of Conecuh, Martin of Tuscaloosa, Moore, Parks, Robinson, Snodgrass, Terrell and Walton—20.

The bill was ordered to a third reading, and made the special order for to-morrow, immediately after reading of the journal.

The Senate insisted on its amendment to the House bill—

H. B. 624. To provide for the liquidations of the debts due by the penitentiary and State farm;

And requested the appointment of a committee of conference.

Messrs. Terrell, Cobb and Inzer were appointed the committee on the part of the Senate.

By leave, bills were introduced:

By Mr. Parks—

8. R. 744 Joint resolution, suspending the operations of an act entitled an act to provide for the taking of the census of the State of Alabama for the year 1875, approved March 1, 1875.

By Mr. Walton—

S. B. 745. For the relief of F. S. Ulmer, tax collector of Choctaw county,

By Mr. Hamilton—

S. B. 746. To burn notes and papers herein named;

Were severally read the first, second and third times, under a suspension of the constitutional rule, and passed.

Mr. Moore, from the select committee appointed under the resolutions of investigation into conduct of certain Senators whose names were signed to a joint memorial to the congress of the United States, reported as follows :

Mr. President:

Your committee to which was referred the resolution of inquiry with reference to the memorial alleged to have been signed by certain members of the General Assembly, addressed to the President of the United States and the Republican members in both branches of Congress, which resolutions are hereto appended, have had the same under consideration, and beg leave to submit the following report :

Under said resolution, it became the duty of your committee, 1st. To ascertain whether the memorial published in the Advertiser of the 6th inst. was authentic ; and, 2nd. Whether the members whose names are appended thereto signed the original memorial.

Under the powers conferred upon your committee, they held frequent sessions and examined witnesses under oath. All of the evidence is herewith submitted.

It will be seen from the evidence of R. K. Boyd that the memorial published in the Advertiser of the 6th inst. is a correct copy of the original. Your committee then proceeded to ascertain whether the members of the Senate whose names are signed to the printed copy, signed the original memorial.

Believing it would be proper, your committee called before them said Senators, except B. F. Royal, who refers to and endorses his statement made in open Senate, which, with the statement of the other Senators, is hereto appended, and is made a part of this report. From these statements it will be seen that J. A. Farden, J. W. Dereen, W. G. M. Golson, J. W. Jones, A. H. Curtis, Lloyd Leftwich, J. K. Green, B. F. Royal and W. W. Glass signed the said memorial, or a paper to be appended to the same, and that Jacob Black and W. B. Harris did not sign the same.

Your committee are required to report what ought to be the action of the Senate after their investigation. The act of an individual is innocent or criminal when viewed through the motive which prompted it, and looking at the evidence, your committee are of the opinion that the Senators who signed said memorial were imposed upon deceived as to its contents by the designing and unscrupulous men who were its authors.

Several of the measures complained of in the memorial

and charged as violations of the constitution by Democratic Senators, were actually voted for by some of the signers of the memorial. For instance, J. A. Farden voted to reduce the salary of the Commissioner of Industrial Resources to \$5, for the purpose of indirectly abolishing the office. Your committee refer to the statements of Senators Golson, Greene and Leftwich, showing their support of measures complained of in the memorial.

Your committee cannot condemn in too strong terms this attempt to stab the reputation of the Senate, and through them to assassinate the liberty of every citizen of Alabama.

The statement of the prayer of the memorial is the demonstration of its atrocity. The unscrupulous leaders who concocted this libel had but one object in view, and that was to procure the passage of an act by Congress authorizing the President to suspend the writ of habeas corpus at his own will and pleasure. To accomplish this they willfully and maliciously perverted the truth, and not satisfied with their own turpitude in this transaction, they induced Senators in their own political faith to charge on a minority of this Senate a willful purpose to take away from the colored man his liberty, by enacting stringent laws against the crimes of larceny and burglary, while the record as well as statements of Senators, show that these measures were supported by several Republican Senators who signed said memorial.

How laws punishing the crimes of larceny and burglary, applicable to all parties irrespective of race or color, could be construed to operate upon the Republican party more oppressively than the Democratic party, it is difficult to perceive, in the absence of an admission that there are more thieves and burglars in the Republican than in the Democratic party.

The statements made to your committee show that the memorial forwarded to Washington does not express the sentiments of a single one of the Senators whose names appear attached thereto. As to some of them, a palpable fraud seems to have been committed in the use of their names. As to these Senators so situated with regard to the memorial, your committee feel that they are the victims of designing men, and are to be excused rather than condemned. As to those Senators whose names were actually obtained on false pretenses, while they are not to be condemned for any malicious attempt to defame their fellow Senators, they are censurable for allowing the use of their names without first obtaining information of the contents of the paper signed by them. As private citizens their names would be of little



value ; but when filling a public place, their names acquire an importance they have no right to disregard.

Your committee cannot state with certainty who the authors of the memorial are ; but there is no doubt that one J. B. Bingham was the messenger who carried with him this weapon, that he believed and hoped would strike down the liberties of our people.

Your committee beg leave to call attention to the statement in the memorial, that the citizens of Barbour county had put in jail or run away from the county, the witnesses who were examined before the Congressional Investigating Committee, and also to the evidence of Col. Shorter, a prominent citizen for thirty years past of said county, showing the falsity of this allegation.

This memorial is unjustifiable in every respect in which it can be regarded. It is false in its inferences and allegations. It is a libel and a slander, and its perpetrators should meet with the scorn and contempt of all honest men.

Your committee recommend, in view of the disclaimer of the Senators whose names are appended to the memorial, and the circumstances under which they signed it, that no further action be had in the premises.

J. B. MOORE,  
W. G. LITTLE, JR.  
E. W. MARTIN,  
Committee.

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#### RESOLUTIONS OF SENATOR MOORE.

WHEREAS, It was published in the Associated Press dispatches a few days ago, and in the Advertiser of Montgomery, that George E. Spencer, claiming to be a Senator in the Congress of the United States, had introduced into the Senate of the United States a memorial, alleged to have been prepared by the Republican members of the Senate and House of Representatives of the Legislature of Alabama ; and whereas, said memorial as reported, is a false, malicious and defamatory libel upon this Senate ; and whereas, said libel, as alleged to have been perpetrated, is herewith submitted in printed form and asked to be read, purports to be signed by certain members of this body ; and whereas, said libel can be construed in no other light than a cool, premeditated and malicious purpose on the part of its authors, by the most willful and malicious falsehood, to bring into disrepute the name and standing of members of this body, for honesty and integrity ;

and whereas, this Senate having a proper regard and respect for its members and for their vindication, deems it a duty to ascertain the authenticity of the document containing said libel, herewith submitted, and, also, to ascertain whether or not the members of this body, whose names purport to be signed to said document, did really sign the same, and if found to be authentic, and that members of this body did sign the same, to ascertain what, in that event, should be the action of the Senate ; therefore, be it

Resolved, That a committee of three members of this body be appointed by the presiding officer, whose duty it shall be to ascertain whether or not said document is authentic, and if so, which members, if any, of this body, signed the same, and what should be the action of this Senate in the premises.

Be it further resolved, That said committee is hereby clothed with power to send for persons and papers, and examine witnesses on oath.

Resolved, 3d. That it shall be their duty to report their action, under these resolutions, as early as convenient.

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TESTIMONY.

MONTGOMERY, ALA., March 6, 1875.

The committee appointed under the following resolutions, (House resolutions), met at room 35, Exchange Hotel, on the evening of the 6th inst.

Present—Messrs. Moore and Little.

Hon. R. K. Boyd, being duly sworn, deposes and says, in answer to interrogatory 1.

You will please look at what purports to be a copy of a memorial, signed by certain members of the Legislature, and state whether or not you ever read the original of which this purports to be a copy, and whether or not said copy is correct as it appears in the Montgomery Advertiser of this date, and append said copy as a part of your answer hereto, marked Exhibit " A." ?

Answer. I was in Washington on the day on which George E. Spencer submitted a memorial of the Republican members of the Alabama Legislature, or purporting to be signed by them, into the Senate of the United States. I immediately went to Senator Bayard and requested him to procure me the original memorial. He introduced me to the clerk of the Senate, or some official who had the memorial in charge,

which I read, and I am prepared to state, from an examination of the copy in the Montgomery Advertiser, it is substantially a copy of the original submitted to the Senate of the United States by George E. Spencer. I procured copies of said memorial as ordered printed by the Senate of the United States. The copy hereto appended and marked "Exhibit A," is the copy printed in the Advertiser, and is a part of my answer. The copy marked "Exhibit B," is a copy of the memoreal as printed by order of the United States Senate, and is a part of my answer. The last named copy I procured from Senator Bayard.

Interrogatory 2. Did you know how the memorial was conveyed to the United States Senate ?

Answer. I was informed by J. B. Bingham that he delivered it to Spencer, and Spencer told me he had received it from Bingham. These conversations occurred in the United States Senate chamber within a few minutes after the memorial was presented.

Interrogatory 3. Did you have any conversation with J. B. Bingham as to who was its author ?

Answer. I did. He said, when I charged him with being the author, that Coon and Bruce wrote it, he supposed.

R. K. BOYD.

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MONTGOMERY, March 8, 1875.

The committee met at room 35, Exchange Hotel, at 7 ½ o'clock, p. m.

Presents— Messrs. Moore and Little.

Senator Walton B. Harris, from the 15th Senatorial District, comes before the committee and answers the following questions, as follows:

Question. Have you read the memorial as it appeared in the Anvertiser of the 6th inst. ?

Answer. Yes.

Question. Your name appears as a signer of said memorial. Please state whether you signed the same or the original, of which it purports to be a copy ?

Answer. I never saw the memorial until the morning I arose in the Senate to a question of privilege. I never signed it.

Question. Please state whether you authorized any one to sign your name to it?

Answer. I did not authorize any one so to do.

I desire to make a statement : J. B. Bingham came to me

and presented a paper he said was a petition recommending him (Bingham) to friends in Washington as a Republican editor. I did not read the paper, but accepted his statements as true. If this was the memorial he presented to me he did me a great wrong and injustice. All the bills of a general character set forth in said memorial, relating to the punishment of crime, I voted for. I am a member of the Republican party.

WALTON B. HARRIS.

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MONTGOMERY, ALA., March 10, 1875.

The committee met at room 35, Exchange Hotel, at 5 o'clock, p. m.

Present—Messrs. Moore, Little and Martin.

Senator A. H. Curtis, from the 22d District, appeared before the committee and made the following statement :

"I went to the caucus where the memorial was being prepared. It was read about half through when I arrived there. The suggestion was made that it was necessary for all to sign it who desired to do so. I then authorized my name to be signed to it and left the room. Mr. Bingham was reading the memorial. I do not know who wrote it. It was impossible for me to know all that was in it, but I understood that the main purpose of the document was to give President Grant power to suspend the writ of habeas corpus. I did not regard that the granting of this power was oppressive or crowding down upon the people. I do not understand that the memorial charges members of the Senate with violations of their oaths. I voted for the burglary bill contained in the memorial, with an amendment offered by myself. I have read the memorial. There are many things in the memorial that might have been worded differently. I approve the general objects of the memorial. I regard Gen. Grant as you regard Governor Houston. I do not think he would improperly use his office to oppress the people or to advance his personal interests. I cannot see anything wrong in it. I cannot see the wrong in it that others find. It is likely that I voted to reduce the pay of the Commissioner of Industrial Resources. I have not the objections to the memorial I thought I would have to it before I heard it read. I do not remember who was at the caucus, not members, besides Bingham. I knew nothing of the memorial before the caucus. I do not think it would be right for a member to vote for measures and then charge that they were passed by the Democrats. I do not

think I would endorse that part of the memorial relating to the Montgomery local bills. I have been in no caucus since the resolutions were introduced. There has been one, but I did not attend. I do not endorse this part of the memorial :

" That the Democratic party of Alabama has made, and is now making, a deliberate and persistent attempt, as shown by their leaders in the present General Assembly, to change the criminal laws of Alabama, so as to place the liberty and legal rights of the poor man, and especially the poor colored man, who is generally a Republican in politics, in the power and control of the dominant race, who are, with few exceptions, the landholders and Democratic in politics."

" I do not endorse the memorial as you construe it, but as I understand it after reading it, and with my construction, I do endorse it."

A. H. CURTIS.

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MONTGOMERY, ALA., March 11, 1875.

The committee met at room 35, Exchange Hotel, at five o'clock, p. m.

Present—Messrs. Moore, Martin and Little.

Col. Eli S. Shorter, of Eufaula, being sworn, deposes and says:

I live in Eufaula, Barbour county, in this State. I have lived there about thirty-eight years. I was examined before the Congressional Investigating Committee with reference to the Eufaula riot. White and colored witnesses were examined before that committee, of both political parties. I knew all the witnesses who were examined.

Have seen the statement made in the memorial to Congress from the Republican members of the General Assembly, wherein it is charged that the colored witnesses examined before the Congressional Investigating Committee in Eufaula have all been sent to jail on frivolous and unfounded charges, or else run out of the county by the white league Democracy of Barbour. The charge is wholly false and unfounded. None of said witnesses have been arrested or sent to jail by the authorities of that county since the Congressional Committee were there. I am chairman of the Democratic Executive Committee of Barbour county, and know that there has been no disposition manifested by the Democrats of that county to arrest or in any manner interfere with any of the Republican witnesses who were examined by the Congress-

sional Committee. I know of no " White League " ever having been organized by the Democratic party in Barbour; there was a Club during the Gubernatorial campaign called a white man's club. It was not a secret organization, its meetings always being held publicly. The constitution of the Club was published in the Eufaula papers. It was called " White Man's Club" merely because of the race issue involved in the late campaign. I never knew of the existence of a " White League " in Barbour county.

In reference to the charge that the Democratic leaders have hired out the county convicts in-jail to various parties, I have to state that this charge is also false. Under a statute enacted by the Republican Legislature of 1868, men convicted of crime were either sentenced to the penitentiary or to hard labor for the county. A number of persons had been sentenced, after trial and conviction before the circuit court by juries composed of white and black men, to hard labor for the county. The commissioners court of the county finding no profitable employment for these convicts, and wishing to avoid the expense of supporting them, hired them out in a body at \$2 per month, the parties hiring them agreeing to feed, clothe and guard them.

ELI S. SHORTER.

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Senator Lloyd Leftwich, of the 24th Senatorial District, makes the following statement:

I went to the caucus and was asked to sign the document to which already twenty-five names had been signed. I did not know the contents of the document and did not know it was a memorial until I saw it in the papers. I supposed it was a recommendation of some person for some office in the State. I have read the memorial. Some of the memorial might be endorsed and some of it might not. I do not endorse this charge in the memorial : " That the Democratic party of Alabama has made and is now making a deliberate and persistent attempt, as shown by their leadership the present General Assembly, to change the penal code and criminal laws of Alabama so as to place the liberty and legal rights of the poor man, and especially of the poor colored man, who is generally a Republican in politics, in the power and control of the dominant race, who are with few exceptions, the landholders and Democratic in politics."

I voted for the sunrise bill, and introduced the first bill of this character introduced in the General Assembly. I also

voted for the grand larceny bill and the burglary bill, all which are mentioned and complained of in the memorial.

If I had known what the memorial contained, I might not have signed it ; but being a Republican caucus, I thought it was all right.

LLOYD LEFTWICH.

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MONTGOMERY, ALA., March 12, 1875.

The committee met at room 35, Exchange Hotel.

Present—Messrs. Moore, Little and Martin.

Senator J. W. Dereen, of the 26th district, makes the following statement:

I have read the memorial of the Republican members of the General Assembly in the "Advertiser" of the 6th instant. The paper I signed was a single sheet of legal cap paper, with several other signatures upon it, which I was told was to be attached to the memorial. I never saw the original, of which that purports to be a copy. I signed a document which purported to be a synopsis of the partisan acts of the legislature and copies of said acts purported to be attached thereto. I never read the acts or the copies appended thereto. I signed that document as my individual opinion of the effect of the laws. I did not desire or intend to impugn the motives of any Senator who favored the measure by my signature to said document. I signed it at the capitol. I was not at the caucus.

I favored and supported the grand larceny bill as originally passed by the Senate, but not the House amendments.

Question: It is stated in the memorial that the Democratic party of Alabama has made and is now making a deliberate and persistent attempt, as shown by their leaders in the present General Assembly, to change the penal code and criminal laws of Alabama so as to place the liberty and legal rights of the poor man, and especially of the poor colored man, who is generally a Republican in politics, in the power and control of the dominant race, who are, with few exceptions, the landholders and democratic in politics. Please state whether or not you endorse that sentiment in the memorial ?

Answer : I do not endorse it so far as the Senate is concerned. So far as the democratic party of Alabama is concerned I cannot answer.

I was told the object of the memorial was to Secure such legislation as would protect the Republican party in Alabama. I did not know the memorial was intended to ask congress to

suspend the writ of habeas corpus, nor did I know this was in the memorial when I signed it. I am a Republican.

JOHN W. DEREEN.

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Senator W. G. M. Golson, of the 18th district, makes the following statement:

I adopt the statement of Senator Dereen as my own, and add that I understood the object of the memorial was to secure the passage by congress of an election law. I except the statement of Senator Dereen as to the paper signed by him. The memorial was with the paper I signed. I asked to read the memorial, but the party presenting it to me said he did not have time. The Senate was in session. Then it was explained to be what I have already explained I understood it was. I introduced the first bill to make it grand larceny to steal any cow, horse, hog, sheep or goat, and I think I voted for all the penal laws embraced in the memorial, but thought the penalty too heavy except as to the sunset bill. I introduced the bill mentioned at the instance of the white Republicans of my county, who are mostly farmers. I am a Republican.

W. G. M. GOLSON.

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Senator W. W. Glass, from the 14th Senatorial District, makes the following statement:

I hare seen the memorial of the Republican members of the General Assembly. I signed it, but I did not know what was in it. It was brought to my desk in the Senate by Gen. Coon, who told me it was in regard to the condition of affairs in Alabama. I never saw the memorial, I only saw names. They may have been attached to the memorial. I never asked any questions and took no thought of it. I have never read the copy and don't know now what is in it. I signed it just as any man would sign a petition not knowing what is in it. I am a Republican.

W. W. GLASS.

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MONTGOMERY, March 13, 1876.

Committee to met at Room No. 35, Exchange Hotel.  
Present—Messrs. Moore and Little.



Senator Jacob Black, of the 17th Senatorial District, makes the following statement :

“ I have seen the memorial to Congress purporting to be from the Republican members of the General Assembly, as published in the Montgomery Advertiser of the 6th. I never saw the original ; I did not sign it ; I was not in the city at the time it was gotten up.

“ JACOB BLACK.”

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Senator J. W. Jones, of the 20th Senatorial District, makes the following statement :

"If I signed the memorial I did not know it: but I signed a number of memorials without reading them, and if my name appeared I must have signed it. I was not at the caucus that got up the memorial, and do not now know its contents; I have never read it all. If there is anything wrong in the memorial I am ready to apologise for it. I did not intend by signing the memorial to reflect on any Senator. I opposed and voted against the penal bills mentioned in the memorial.

“ JOHN W. JONES,”

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Senator James K. Green, of the 23rd District, makes the following statement;

"I went up on the morning the memorial was signed to the capitol. That night I went to the caucus in accordance with a notice given at the capitol. The caucus was held at the Journal office. When I entered the room the signing was going on. I asked what it was. It was stated by J. B. Bingham a portion of my speech was in the memorial, and I ought to have been there to have heard it read. I told him if it was anything good, to hand me the pen, which he did, and I signed it. I never read it, or heard it read. After that D. E. Coon offered the resolution to send J. B. Bingham to Washington as a memorialist, and I signed that also. It was not said what he was going for. If I had been asked to sign more of the things in the memorial I might have done so. I voted for some of the things in the memorial. I voted for the burglary bill. As one that has participated in the legislature of the State for some years, I do not accuse the Democrats with doing wrong ; it is only a difference of opinion. I had been in three different caucuses for the purpose of opposing the confirmation of Parsons and thought that was the

object of the memorial, and was the reason I signed it. I should have stated this in the commencement of my statement, I did not intend to impugn the motives of any Democratic Senators. I was opposed to these memorials. Philip Joseph signed my name without authority to a call of a colored emigration convention. His object, as I believed, was to make money out of the negroes. He went to Washington pretending that he was authorized by that convention to secure Parsons' appointment. We held regular caucuses to secure Bruce's nomination and to prevent Parsons' confirmation, and it was to counteract Joseph's statements that I signed the memorial. I never read the memorial through then or since.

JAMES K. GREEN.

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Examination of W. Merriwether, who being sworn, deposes and says:

1. Whether or not you are a Republican member of the General Assembly, in the House, from Wilcox county ?

Answer. I am.

2. Have you seen a copy of the memorial of the Republican members of the General Assembly as it appeared in the Advertiser ?

Answer. I have.

3. Question. Have you seen the original of which this purports to be a copy ?

Answer. I have seen it.

4. Question. Have you ever read it ?

Answer. I have not read it, but have heard it read, along at times as it was being got up.

5. Who got up that memorial ?

It was got up jointly by the leaders in the House, General Coon and Mr. Bruce and others. When the Constitutional Convention bill was introduced the memorial was commenced. I had conversation with Gen. Bruce on the subject. I do not know who completed the memorial. It was finished while I was at home on leave. I never heard it read entire,

6. What was the object of the memorial as you understood it?

Answer. It was to seek relief from the general government. I did not know what; was the remedy sought for by the memorial. The minority, I considered, had been oppressed.

7. Question. In whose hand-writing is the memorial ?

Answer. I do not know.

8. Question. Do you know in whose hand-writing any portion of it is?

Answer. I never noticed.

9. Question. Have you ever told any one since the resolution was introduced in the Senate you knew who wrote the memorial ?

Answer. I do not remember.

10. Question. Have you ever been told who wrote the memorial by any one?

Answer. Mitchell told me Bruce, Bingham, Coon, Wood and himself got up the memorial.

11. Has there been a caucus of your party since the Senate resolution was introduced?

Answer. I have been to none. I think there has been a caucus.

12. Have you been told it was your duty to stand up to the memorial?

Answer. We have all agreed to stand up to what we have done, and in general conversation have said we would not take back.

W. MERRIWETHER.

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MONTGOMERY, ALA., March 15, 1875.

The committee met at the usual place at 5, p. m.

Present—Messrs. Moore, Martin and Little.

Senator J. A. Farden, of the 19th District, makes the following statement:

1. Have you read the memorial that appeared in the Advertiser of the 6th, purporting to be signed by the Republican members of the General Assembly?

Answer. I read it that day—on the 6th.

2. State whether you signed the original of which that purports to be a copy ?

Answer. I signed a paper one night at a Republican caucus room. By invitation I attended a caucus of the Republican members of the Legislature, held at that room. It was ten o'clock at night when I entered the room, and I was suffering with a severe cough. I remained about five minutes ; when I arose to go, some one remarked, " has every one in the room signed this petition ? " Another remarked, " all, I believe, except Col. Farden." Some one else asked me if I would sign it. I asked what it was, and it was shown me. Finding it to be a document of several pages, I remarked I had not time to read it then, but would do so afterwards. I

was then told by some one that it was a memorial to Congress protesting against some of the acts of the Legislature as being partizan. I remarked that my record in the Senate showed that I had opposed several measures because I thought them partizan. It was then said that it was desirable to send it off the next day, and that I had better sign it there. I replied, I have confidence enough in you, gentlemen, to believe you would not ask me to sign anything that is wrong, and as I am suffering with my cough, from the smoke in the room, I must leave, and therefore I will sign it, which I did.

3. Did you know what it contained, or had you read the memorial or heard it read before you signed it?

Answer. I knew nothing of what it contained except what was represented to me as above stated, and had not read or heard it read.

4. In whose handwriting was the memorial?

Answer. I do not know.

5. Do you know who prepared the document?

Answer. I do not. I have stated all that I know about it.

State whether or not you did not offer an amendment to reduce the salary of the Commissioner of Industrial Resources to five dollars?

"I did. I wanted to abolish the office indirectly, so no one else would take it.

" While I differed with Senators in regard to the measures referred to, I did not, or do not pretend to impugn the motives of Senators who favored them."

J. A. FARDEN.

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Senator B. F. Royal, of the 16th District, having failed to appear before the committee, they here insert his statement made in the Senate, while in session, as reported by the correspondent of the Mobile Register, and as it is remembered by the members of the committee :

"I have never seen the memorial in the newspapers, or the original memorial. I never attended a caucus of my party. I was as ignorant of the contents of the memorial as an unborn babe. J. B. Bingham came to me in the Senate chamber and asked me to sign a paper; he said it was concerning the appointment of Arthur Bingham as Postmaster at Montgomery, and the appointment of Gen. Bruce as U. S. District Judge. I told him if that was it to sign my name. I never knew it was anything to oppress or crush the people of Alabama, or I would never have signed it."

## LIBEL.

## EXHIBIT " A."

The undersigned, Republican members of the General Assembly of Alabama, having unusual opportunities to discover the ulterior purposes of the Democratic leaders in this State, and being impressed with the firm conviction that wise and efficient means are now imperiously demanded by the Republican ascendancy, beg leave to represent to President Grant, and the Republican members from Alabama in both branches of the Congress of the United States as follows :

## I. CHANGES IN THE PENAL CODE.

That the Democratic party of Alabama has made, and is now making, a deliberate and persistent attempt, as shown by their leaders in the present General Assembly, to change the penal code and criminal laws of Alabama so as to place the liberty and equal rights of the poor man, and especially of the poor colored man, who is generally a Republican in politics, in the power and control of the dominant race, who are, with few exceptions, the landholders, and Democratic in politics. Hitherto the Democratic party has sought to control the labor as well as suffrage of the colored race by intimidation and force. They have never abandoned that policy. On the contrary, these means, supplemented by violence and frauds, were more strikingly brought to bear at the late election in Alabama. Having by these violent means secured a temporary ascendancy, the leaders of that party in the General Assembly seem now to be determined to secure permanent and more absolute control by and under the forms of laws, to be passed at this and subsequent sessions of the General Assembly. To this end all their legislative endeavors are now put forth. Already it has been proposed, and bills have actually been introduced and urged in both bodies of the General Assembly, which propose to raise the grade of petty crimes and misdemeanors, and to make many of them felonies. And, as if this were not enough, they would repress and curtail the retail trade of the commonwealth by laws utterly hostile to the spirit and letter of the laws of free States and free labor communities. That these allegations are not unfounded, permit us to specify :

1. A bill has already been passed in the House of Representatives, and will doubtless meet with equal favor in the

Senate, to change the law of larceny so as to make the stealing of a " horse, mule, cow or animal of the cow kind, sheep, goat, or hog, or any outstanding crops of corn or cotton," without reference to the value of the animal or article stolen, years—a punishment utterly disproportioned to the crime of stealing a hog or a goat, and an innovation without parallel or precedent upon the penal code of civilized countries.

2. Another bill of the same general sort, relates to burglary. It has already passed the Senate, and will doubtless pass the House. It proposes to change the law of burglary so as to make the breaking and entry into any inclosure within the curtailage of a dwelling house, with intent to steal or commit a felony, burglary, and on conviction the offender shall be punished by imprisonment in the penitentiary not less than two nor more than twenty years. Thus a person breaking or entering into an enclosed lot or garden, protected only by a fence, with intent to steal, can be convicted of the high crime of burglary. For generations burglary has been confined to the breaking and entry into dwellings or buildings with intent to commit a felony. But, by the introduction of this new element into the law, breaking or entering into an enclosure, which was formerly a crime of much lower grade, is now magnified into burglary, and the punishment affixed by confinement in the penitentiary from two to twenty years. Twenty years' punishment for breaking into a cabbage or potato patch with intent to steal is certainly beyond reason, and violative of the well settled rules and principles of law.

3. A bill is now pending to make it a crime to sell or buy agricultural products, such as corn, cotton, peas and potatoes, between the hours of sunset and sunrise. Poor people—and our colored population are mostly poor, and dependent upon their daily labor for a living—are compelled to do their trading in the evening, and one of the effects of this measure will be to compel the laborer to get all his supplies from the planter with whom he is employed, thus compelling the laborer to get supplies at the planter's own terms, which are usually from 100 to 200 per cent. over the prices at which they may be secured in market with fair competition.

4. This bill, with another which proposes to make it unlawful for any person to sell or buy agricultural products, without first obtaining the written permission of the owners of the lands whereon the produce was grown, makes the nearest possible approach to the restrictions which existed all over the South under the institution of slavery. The effect of these

bills will be to put it beyond the power of the poor laborer to market or sell anything which his labor has produced, as well as to prevent any one from buying the same from him. Thus the poor man and his labor will be put in the absolute control of the Democratic land holders of Alabama.

5. It is proposed to enact a law which shall require defendants who are convicted in criminal cases under municipal and county corporations, and who shall fail to pay their fines and costs, to work out the same at hard labor for the county at the rate of not less than two days for every dollar of said fines and costs. Not only that, but under existing laws, the White-League Democracy of Barbour county, where the colored witnesses examined before the congressional committee, it is reported, have all been sent to jail on frivolous and unfounded charges, or else run out of the county. The democratic leaders have actually "hired out the county convicts in jail to various planters," as stated by the "Eufaula Times," at an average of about two dollars per month until the end of the various terms for which they were sentenced. There is much more of the same sort of legislation proposed, the drift and tendency of all which is to establish a system of compulsory labor and peonage utterly inconsistent with the genius and spirit of free-labor States and institutions.

These measures are conceived in direct hostility to the reconstruction acts of Congress, and are violative as well of the constitutional amendments of the constitution under which the State of Alabama was re-admitted into the Union ; and yet they are but specimen bricks of the sort of illiberal and unconstitutional legislation which we shall speedily see spread all over our statute books, unless some means can be devised to check their ulterior and unpatriotic designs. These changes in our penal code not only raise the grade of crime, but they afford the ready means by which the great mass of our colored population are to be both harassed and persecuted.

The white population in the black belt in our State are most of them democrats in politics ; and it is nothing but true to say that too many of them belong to the drinking and reckless class, who have little regard for law and order, and are filled with prejudice against the colored population as citizens entitled to equal rights and privileges. Hence, with such a penal code, it is not difficult to perceive how this class will, persecute and oppress the poor and illiterate of our population. Whenever the colored man is indisposed to submit to the dictation of this class, or seeks to exercise his rights as

a citizen and voter in an independent manner, these men will be apt to trump up some charge against him, and, with ignorant or corrupt magistrates, can hurry him off to jail. Indeed, this has been done in numerous instances already, the prosecutor often becoming the bail or security for the accused, and in that way securing his labor for a trifling consideration, while the accused is little better than a slave, his liberty being at the option of his bondsman. This is no imaginary case. On the contrary, it is just what has often been seen in practical operation ; by means of unfounded charges and corrupt or ignorant magistrates, the liberty of the citizen is taken away, and he is at the same time robbed of the proceeds of his labor, and this outrage is pretended to be perpetrated under the forms of law. By the changes proposed in our criminal laws, the means of vexing and harassing the colored people is greatly increased, and the opportunity for robbing them of their labor enhanced a hundred fold. When, in connection with this legislation, we consider the natural timidity of the colored citizens, you will be at no loss to discern how near we are approaching a condition of society where a large class of our citizens will be at the mercy of the dominant class, and the labor of the country under their control, and that, too, under color of and under the forms of law.

We need not remind you how such a policy is at variance with all the results intended to be wrought out by the war for the preservation of the Union. That was a conflict of ideas as well as of armies. The issue was free-labor institutions and principles against slave labor institutions and principles. It was a conflict between these two types of civilization. And yet, while the slave-labor system did not triumph at Appomattox, they are thus seen to be practically triumphant in Alabama. After the war came reconstruction, by which the free-labor type of civilization was believed to have been firmly established throughout the entire South. It was especially designed to supplant and displace that which had formerly prevailed, and not to form any alliance therewith. But no sooner does the democratic party accede to power in Alabama than its leaders propose to forget not only all that has been done and promised, but to undo, as fast as possible, that which was wrought out by the war, and all that has since been promised in connection therewith. It would practically reverse the verdict wrought out at the point of the bayonet, reverse the policy of reconstruction, and strike out of existence not only our free-State constitutions, but the laws made in pursuance thereof, thus violating the fundamental conditions of the admission of Alabama into the Union. If this is allowed to be done, it is not difficult to perceive that the war



for the Union was a grand mistake, and the blood and treasure of the people spent in vain.

## II. PARTISAN LEGISLATION.

But the change in the penal code, designed to afflict the colored population, is not more atrocious than the partisan legislation already enacted, while that which is most consciously unjust we are led to believe will be reserved for consideration after congress shall have adjourned.

Let us here bring to your notice a few only of their more flagrantly partisan and unjust acts.

1. Three Republican representatives were elected to the House of Representatives from Barbour county. That county is notoriously republican in politics, but at Eufaula, on election day, republicans were shot, down and killed, and hundreds thus driven from the polls ; while at Spring Hill, in the same county, a band of White League democrats rushed in upon the United States supervisor of the election with the other officers then engaged in counting the vote, destroying the ballots and poll-lists, and seeking to kill the United States supervisor, failing in which, they killed his son, a bright boy of tender years, then clinging to his father. In this way the republican majority was decreased several hundred votes, Nevertheless, the republican members got the certificate of return awarded by the secretary of State ; and, after they had been in possession of their seats for several weeks, they were without a contest, as provided by law, and in violation of all law and precedent, ousted, and their seats awarded to the democratic candidates, who never had a certificate of election and never obtained a majority at the polls.

2. The city court of Eufaula, when presided over by a republican, was sought to be abolished by petition of nearly every democrat in that community. The democratic Senate actually passed a bill to abolish the court, but it failed in the republican House at the last session. A similar movement for its abolition was inaugurated at the beginning of this session, because a republican had again been elected. But that republican resigned his position through fear of his life if he continued to live in that White League community, and the Governor has appointed as his successor one of the original movers for the abolition of that court ! Only a few hours before the riot at Spring Hill, a democratic candidate for an important office in that county, went up to that precinct on a hand car, and remarked in the presence of the United States supervisor that the vote there would change the result, and that he would give a thousand dollars for the ballot-box at

that precinct ! And now the same democrats, who were willing to give a thousand dollars for the ballot- box at Spring Hill, and who doubtless inaugurated the Spring Hill riot, which resulted in the murder of young Keils, (when it has been confessed that the father was intended to be killed.) now hold all the county offices in Barbour county, as well as the position of judge of the city court of Eufaula, a court which he and his democratic associates sought to have abolished when held by a republican, and this fact may account for the arraignment and conviction of republican witnesses before the Alabama coongressional committee at that place.

3. A bill has passed both branches of the General Assembly to reduce the salary of the republican commissioner of industrial resources of the State from \$2500 to \$500 per annum. The republican incumbent was elected in 1872 for four years, by a large majority. The office is one which, under the constitution, can no more be abolished than that of Governor itself ; and the declared object in reducing his salary to \$500, and requiring him to live at the capital, was openly confessed to be to legislate him out of office. They say they know that no man can live on the salary, and they expect him to resign that a democrat may be appointed. Thus, to get a republican out of office, they confess to a practical violation of the constitution by doing that indirectly which, they confess, they have no right to do directly.

4. The law assigning certain causes for the removal of registers in chancery has been so changed as to enable democratic chancellors to remove republican registers in chancery. The necessity for this was the removal of a register who, as a United States commissioner, appointed United States supervisors in several counties in South and West Alabama for the election last November.

5. Chancellor Dillard was elected chancellor in the western district, last November, by a very large majority. His residence is in Marengo, one of the counties in that division. At the November election he acted as United States supervisor in that county. Recently, on the petition of four democratic lawyers, living at Demopolis, a bill was introduced and passed the House, and is now pending in the Senate, to remove the county of Marengo out of Chancellor Dillard's division, thus seeking to remove the chancellor from office by separating his home from the other counties of his division ; and this in a county wherein Chancellor Dillard received nearly 2,000 majority, none of whom, except the four individuals referred to, desire any such change, but, on the contrary, a majority

of the bar of Demopolis refused to join in the movement against him.

6. Bills are now pending in the General Assembly to abolish the offices of the board of county commissioners for Montgomery and other Republican comities of the State, and substitute boards of revenue, to be appointed by the Governor ; to abolish the office of County Treasurer, and to abolish the office of Tax Collector, and these measures are understood to be urged by the Democratic State and County Executive Committees.

7. A bill is now pending in the General Assembly which has special reference to the present Tax Collector of Montgomery county. For over a year past Democracy has waged against him the fiercest opposition, and failing at every point they have now sought his overthrow by the passage of a bill which requires him to give a bond of \$220,000, when, under the laws in existence, he is not allowed to retain in his hands, at any one time, over \$10,000. A party malignity never made a more unseemingly exhibition.

8. The criminal court of Dallas county has been abolished because the judge of that tribunal was a colored Republican. It is not pretended that he was not competent. He was elected by an overwhelming majority of the people, and he had been for five years, previous to his election, clerk of the criminal court. He had held four terms of his court, and discharged the duties devolved upon the office with so much ability and impartiality that he could not be constitutionally removed. But, without petition, a bill was introduced for the abolishing of the court, pending which he was informed, by certain Democratic lawyers, that if he would resign the court would be preserved and a Democratic judge appointed by the Governor in his place. He refused to resign an office to which he had been overwhelmingly elected, and the bill legislating him out of office, by the abolition of the court, finally passed on the 5th instant. The following protest of thirty-one members of the General Assembly against this high-handed act has been entered upon the journal of the House of Representatives :

We, the undersigned, members of the General Assembly, do hereby solemnly protest against the act of the majority of this General Assembly in abolishing the criminal court of Dallas county.

1. Because we believe that the said act is in violation of both the letter and spirit of the constitution of our State.

2. Because we believe that the only reason for the abolition of said court are color and the political convictions of the judge.

3. Because the judge of said court was elected by the people, and to legislate men out of offices to which they have been elected by the free choice of the people, is subversive of the principle of popular government, substitutes the will of the minority for that of the majority, and tends to revolution and anarchy.

4. Because we believe that the will of the people, as expressed at the ballot-box, cannot be defeated by the legislature, without danger to the liberties of the people.

5. Because we believe that any interference of the Legislature with the judicial departments of the State makes the judiciary dependent on the political complexion of the Legislature.

9. A joint resolution to appoint a joint committee from both branches of the General Assembly, to sit as a commission during the summer, and invested with full power to send for persons and papers for the purpose of investigating the election of Hon. George E. Spencer to the Senate of the United States, has already passed the Senate, and will doubtless pass the House of Representatives. And that, too, notwithstanding the journals of both Houses of the last General Assembly give the fullest information of the said election ; and in the face of the further fact, that in a contest before the United States Senate, which alone is the judge of the election and qualification of its members, the election of the said Spencer had been declared legal and regular, as had already been substantially decided by the Supreme Court of Alabama.

10. Bills have passed the Senate, and are now pending in the House, whose sole object is to make it impossible for Republicans who shall be elected or appointed to any office to give satisfactory official bonds for a faithful discharge of duties. It is now a party tenet of Democracy not to go upon any Republican's official bond. To do so is declared, as to all who do it, an act of direct hostility to the Democratic party. In consequence of this partisan ostracism, many Republicans elected to offices in the several counties have had to surrender to Democrats appointed by the Governor. But, as if that were not enough, the bill now pending proposes to make the bonds for county officers so high that Republicans cannot give them. It will be seen by a copy of the bill hereto attached (A) that Democracy proposes to make the bonds, of the Judge of Probate of Montgomery county \$ 23,000, while the present law only requires \$10,000 ; that the tax collector's bond is to be \$55,000, while the present law only requires \$10,000 ; that the sheriffs bond is to be \$55,000, while the

present law only requires \$10,000 ; that the treasurer's bond is to be \$55,000, while the present law only requires \$10,000 ; that the tax assessor's bond is to be \$ 10,000, while the present law only requires \$2,000. But these bonds are not only greatly enlarged, but the securities upon all bonds are all to be residents of the county in which the bonds are given ; a Republican elected in Lowndes, not being allowed to get security in Montgomery. Not only that, but the property of all securities is to be in the county in which the bond is given, and the amount of the security is made a lieu upon the property to the amount thereof. A man owning \$10,000 worth of property beyond the amount exempted by law, and who is security for an officer to the amount of \$10,000 cannot, under the law, become security for any one else, because the fact of security for \$10,000 is to be regarded as a legal subsisting liability upon said property. Then no officer can, under any circumstances, become a surety for another. No United States bonded official can become security upon any bond, and all debts, liens and mortgages, are to be deducted from the value of the property of any one who becomes security, and he is to swear that he is worth the amount after paying all debts of any kind, including amount of security of any other bond as a debt. Under the provisions of this law, there are not over fifty persons in Montgomery county who could go upon a bond for \$1,000 ; not over twenty-five who could go upon a bond for \$10,000, and not over five who can go upon a bond for \$20,000, and, of course, other counties with less property, would possess a still less number eligible as official bondsmen. The effect of the law is, not only to prevent Republicans from making official bonds, but also to create an oligarchy of a few wealthy men, in each county, who will thus absolutely control the county officers and thus defeat the will of the people as expressed at the polls.

11. A bill has passed the Senate, and is now pending in the House, to set aside the present fair election law, passed as a compromise between both parties by the last General Assembly, and to substitute in its stead a law to prevent a free and fair vote in future elections in this State. Another object aimed at is to separate elections for State and Federal offices, so as to prevent the supervision of Federal Supervisors, as provided by acts of Congress, and thus the more readily enable them to continue their vile practice of intimidation, fraud and violence, in all our future State elections. We subjoin a copy of this proposed law for your perusal, (B.)

12. A bill has been introduced into both branches of the

General Assembly to prescribe the mode of registration for voters. The principal object seems to be to prevent colored voters, who are busy with their work and seldom read newspapers, from registering in their respective beats, within the time specified, failing to do which they lose their right of suffrage. We subjoin a copy of this artfully contrived means of suppressing Republican votes, (C)

13. Another measure of hostility to the Republicans is entitled "An act in relation to the formation of grand and petit juries," but, on carefully reading it, you will find that it should be entitled "A bill to prevent any Republican, but especially colored Republicans, from sitting on either the grand or petit jury. " We append hereto a copy of this Democratic atrocity, (D.)

14. Another Democratic atrocity is the bill (which has passed both branches of the General Assembly) to re-district the State into eight congressional districts. We attach hereto a map of the several districts as apportioned by this Democratic gerrymander. By examining it you will observe that the law of Congress, under which the apportionment was made, was utterly disregarded. The law of Congress says that Representatives "shall be elected by districts composed of contiguous territory, and containing, as nearly as practicable, an equal number of inhabitants." But, instead, they have disregarded the law, and made the districts so unequal in population and so destitute of all "contiguity" or convenience that Senator Martin, of Conecuh, himself a Democrat, in discussing the bill in the Senate, was forced to denounce it as "unfair, unjust, and illegal." That this language only expresses the simple, unadorned truth, will be made fully apparent by a perusal of the map, and figures in connection therewith, prepared by Mr. Mitchell, a Representative of Montgomery, to which frequent reference was made in the discussion of the bill in the House. The startling fact which this Democratic re-districting disclose, is that the large Republican vote in Alabama has been practicably subordinated to the will of the Democratic majority. At the last election in Alabama the Republican vote on the Congressional ticket was 94,229 ; the Democratic vote was 107,435, Yet under this bill the Republicans, with 94,229 votes, are only allowed one Congressman, while the Democracy, with 107,435 votes, are given seven Congressmen. The Democrats professed to be afraid, while this bill was pending in the House, of Congressional interference; but if there ever was such an intention, the opportunity is not frustrated by this "unfair, unjust and illegal" Democratic measure.

15. Already a bill has been introduced into both branches of the General Assembly which provides for the calling of a constitutional convention. By this means the Democracy hope to overturn our present free Constitution, and to perfect their schemes looking to continued ascendancy in Alabama. For that purpose, they have so shaped the apportionment of representation in the proposed convention as to give them a majority therein, if the people shall vote in favor of a Constitution when submitted. To that end no less than nine delegates are taken from Republican counties and given to Democratic counties. Not only that, but population is counted double in Democratic Mobile over that of the Republican counties, Lowndes, Montgomery, Wilcox and Sumter. Lowndes with over half the population of Mobile is only allowed two, while Mobile is given six delegates. The same apportionments, according to population, which gives Mobile six delegates would give Barbour three, instead of two delegates ; Dallas five, instead of four delegates ; Hale three, instead of two delegates ; Lowndes three, instead of two delegates ; Marengo three, instead of two delegates ; Montgomery five, instead of four delegates ; Perry three, instead of two delegates ; Russell three, instead of two delegates ; Sumter three instead of two delegates ; and Wilcox four, instead of two delegates. Here, then, are eleven delegates which these Republican counties would be entitled to under the same basis of apportionment which gives Mobile six. And, as if this were not enough, the same bill proposes to allow each Congressional District one delegate. Here, then, under their proposed Democratic gerrymander are seven more delegates given to the Democracy, and only one to the Republicans. Thus, if the people shall vote for the convention, the apportionment is so fixed as that no matter what the Republican vote in several counties, the Democracy is bound to have a majority of the delegates. And by means of this convention, thus packed, they will, if successful, so fix the representation in the General Assembly, as to the Republican counties so as to make it possible for the Republicans ever to carry a majority of the General Assembly thereafter. That they would remodel the constitution so as to make it as near as possible conform to an aristocracy or an oligarchy, wherein the few will absolutely control the many, by eliminating therefrom the last vestige of a free Republican constitution, such as Alabama was re-admitted into the Union under, there is absolutely no room to doubt. But time would fail us to go over in detail all that has been and is proposed to be done in the way of partizan legislation by the Democracy of Alabama.

They are now, and will be until after the 4th of March, on their good behavior. After that, all that is vindictive and unpatriotic will doubtless be proposed and rushed through with a celerity and disregard of the rights of minorities that, judging the future by the past, will probably be without precedent in any of the Southern States, where revolution, under the pretended forms of law, has already been consummated.

#### REMEDY.

But, in view of the foregoing, it may be inquired, what remedy ought to be applied ? We answer, briefly, that we would ask for the most stringent laws for the protection of all men in the equal rights, privileges, and immunities which are guaranteed by the Constitution to every citizen of the United States. What these should be it is needless for us to suggest to you. We have clearly shadowed forth the aims and purposes and acts of the Democratic party of Alabama, and it is for you, our Republican Representatives, to secure such legislation as may be deemed adequate for present exigencies. But we may be pardoned for making one specific suggestion. Whatever else is done or left undone, we beg you not to adjourn on the 4th of next March until you have conferred on the President of the United States the power of suspending the writ of habeas corpus whenever, in his opinion, it may become necessary. Permit us to state our reasons for insisting upon this course. We have positive information that it is the plan and policy of the Democratic leaders in this State to keep the General Assembly in session until after the 4th of March next. Some of them openly avow it. They say they want to go on smoothly until after Congress adjourns, and then they mean to make a full disclosure of their unpatriotic purposes. Other Democratic leaders, believed to be in the secrets of the White League, have declared in private conversation that they believe that there will be war in this country in less than six months. And why do they thus give expression to their pretended fears ? Is it not obvious that that which they pretend to apprehend is precisely that which they intend to endeavor to force upon the country ? In 1861, they had their secret leagues and vigilance committees all over the South, and is it not a well-known fact that they have the same character of organizations now ? Was it not known to the chief of the White League Association at Eufaula, before it had been made known by the telegraph in the newspapers, that President Grant had interfered with the White League subversion of civil Government in Louisiana last September ; and



did not the chief of that White League organization confess, in a private conversation with a United States Commissioner of the Federal court, then making investigation into disturbances at Eufaula, that, but for President Grant's interference, the White Leaguers would have had the State Government of Alabama inside of ten days? By the prompt action of the President, the overthrow of the Southern State Governments was frustrated then. But who believes, in the light of subsequent events, that the White Leaguers in all the Southern States are not bent on mischief immediately after the adjournment of the present Congress? Have we not heard of the united action of Southern Governors, which was prematurely disclosed and disavowed? And have not missionaries from the State, and especially from Louisiana, been sent North and West to prepare the Northern mind by the grossest misrepresentations for the coup d'etat which we are frank, to say we believe the White Leaguers will inaugurate during the coming Summer if the President shall not have the power to put down this lawless military organization, which is a menace to civil government wherever it exists. They have their representatives, we believe, in both branches of the Congress of the United States; and this will be more strikingly demonstrated in the next than in the present legislative bodies of the nation. Believe us, it was not by accident that Thurman, Gordon, and their associates sought to poison the mind of the nation against our patriotic President; and the gallant Sheridan, and all the Union defenders, on account of his exposure of their treasonable course in Louisiana. Gordon is reported to have sworn that he was offered the chief of the White League Ku-Klux in Georgia, and it was doubtless owing to his influence in that diabolical organization that he was sent to the Senate in preference to men of more talent but less disingenuousness. We would not seek to mislead our own friends, but we are firm in the belief that unless the President is invested with power to suspend the writ of habeas corpus in certain contingencies, that immediately on the adjournment of Congress, in March, we shall witness a concerted attempt on the part of all Democratic and Southern Governors, together with their allies elected to Congress and all over the country, to produce disturbance in Louisiana, which will soon extend to every Southern State; and in the event the President should attempt to interfere, that they will seek to impeach him for not sitting still and allowing the enemies of the Union to involve the country in civil war, as was done by the traitorous Buchanan under the influence of the same Democratic leaders, who are now leading on the movement for civil war,

unless they are allowed by fraud, violence, and bloodshed to control not only the Southern States, but the National Government.

We are, very respectfully, Republican members of the General Assembly of Alabama.

D. E. COON, Representative, Dallas county,  
 JOHN BRUCE, Representative, Wilcox county,  
 CHAS. S. HARRIS, Representative, Dallas county,  
 H. V. CASHIN, Representative, Montgomery county,  
 C. GILMER, Representative, Montgomery county,  
 CHAS. SMITH, Representative, Bullock county,  
 A. H. CURTIS, Senator, Perry county,  
 ASHLEY. WOOD, Representative, Talladega county  
 JAMES K. GREEN, Senator, 23d District,  
 LOYD LEFTWICH, Senator, 27th District,  
 B. W. REESE, Representative, Hale county,  
 W. A. BRANTLEY, Representative, Dallas county.  
 W. H. BLEVINS, Representative, Dallas county,  
 J. T. HARRIS, Representative, Perry county,  
 G. S. W. LEWIS, Representative, Perry county,  
 JONA A. J. SIMMS, Representative, Talladega co.,  
 PERRY MATHEWS, Representative, Bullock county,  
 ELISAH BALDWIN, Representative, Wilcox county,  
 JAMES BLISS, Representative, Sumter county,  
 CHAS. S. WOOD, Representative, Marengo county,  
 L. A. MCDUFFIE, Representative, Lowndes county,  
 SAMUEL LEE, Representative, Lowndes county,  
 W. D. GASKIN, Representative, Lowndes county,  
 E. R. MITCHELL, Representative, Montgomery co.,  
 J. A. FARDEN, Senator, 10th District,  
 ROBT. REID, Representative, Sumpter county,  
 GRANVILLE BENNETT, Representative, Sumpter co.,  
 JOAN W. DEREEN, Senator, 26th District,  
 ELIJAH COOK, Representative, Montgomery county,  
 W. MERRIWETHER, Representative, Wilcox county,  
 C. FAGAN, Representative, Montgomery county,  
 JACOB MARTIN, of Dallas county,  
 F. W. ALLEN, of Bullock county,  
 D. J. DANIELS, of Russell county,  
 J. R. WITHERSPOON, Representative, Greene county,  
 A. W. JOHNSON, Representative, Macon county,  
 GEORGE PATTERSON, Representative, Macon county,  
 WM. E. COCKRELL, Representative, Greene county,  
 J. E. BOZEMAN, Representative, Autauga county,  
 W. G. M. GOLSON, Senator, 18th district,  
 W. B. HARRIS, Senator, 15th district.

JOHN W. JONES, 20th district,  
 B. F. ROYAL, Senator, 16th district,  
 JERRE HARALSON, Senator, 21st district,  
 JACOB BLACK, Senator, 17th district,  
 M. BOYD, Representative, Perry county,  
 W. W. GLASS, Senator, 14th district,  
 PRINCE GARDNER, of Russell county,  
 MAULTY WYNN, of Hale county.

Montgomery, Ala., Feb. 15, 1875.

Mr. Grayson moved that the report be adopted, and that one thousand copies of the report and accompanying papers be printed.

Mr. Black moved to table the motion.

Lost.

On motion of Mr. Little, the word "pitied" was substituted for the word "excused."

The motion of Mr. Grayson prevailed.

Yeas 24, nays 4.

Those who voted in the affirmative are—

Messrs. Cobb, Coleman, Cooper, Cunningham, Curtis, Driesbach, Edwards, Glass, Golson, Green, Hamilton, Harris of Lee, Harris of Russell, Inzer, Leftwich, Little, Martin of Conecuh, Martin of Tuscaloosa, Moore, Robinson, Royal, Snodgrass and Walton—24.

Those who voted in the negative are—

Messrs. Black, Dereen, Farden and Jones—4.

#### MESSAGE FROM THE HOUSE,

By Mr. Whitman:

#### HOUSE OF REPRESENTATIVES, March 19, 1875.

Mr. President :

The House has passed Senate bill—

S. B. 680. To amend the act to incorporate the Montgomery South-Plank Road Company.

And has appointed the following as the committee of conference on the part of the House, on the amendment of the Senate to the House bill—

H. B. 624. To provide for the liquidation of the debts due by the penitentiary and State farm.

Committee : Messrs. Price, Speaker Andersen (by order of the House), Green of Lee, Wood of Talladega, Wilson and Harris of Perry.

ELLIS PHELAN,  
 Clerk,

The Senate proceeded to the consideration of the House joint resolution on final adjournment.

The Senate refused to concur in the House amendment to the Senate amendment.

Yeas 9, nays 19.

Those who voted in the affirmative are—

Messrs. Black, Curtis, Dereen, Farden, Golson, Jones, Martin of Tuscaloosa, Royal and Walton—9.

Those who voted in the negative are—

Messrs. Cobb, Coleman, Cooper, Cunningham, Driesbach, Edwards, Glass, Grayson, Green, Hamilton, Harris of Lee, Harris of Russell, Inzer, Leftwich, Little, Martin of Conecuh, Moore, Snodgrass and Terrell —19.

On motion of Mr. Cobb, a committee of conference was requested.

Messrs. Cobb, Driesbach and Walton composed said committee on the part of the Senate.

Mr. Cobb, from the Committee on the Judiciary, reported a substitute for the bill—

S. B. 698. To amend section 2704 of the Revised Code.

The caption of the substitute is—

S. B. 698. To allow principals to give testimony on behalf of their sureties.

The substitute was adopted, the constitutional rule suspended, the bill read the third time and passed.

Mr. Grayson offered the following resolution which was adopted—

Resolved, That the compensation of hall attendant for the Senate chamber, for the present session, shall be four dollars per day, to be paid upon the certificate of the president countersigned by the secretary.

Also, the following resolution, which was adopted—

Resolved, That the auditor be authorized to draw his warrant upon the treasurer in favor of the clerk of the special committee appointed on the memorial by the republican members of the General Assembly to the United States congress, in such sum as may be certified by the secretary and president of the Senate to be due.

Mr. Walton offered the following joint resolution, which was adopted;

Joint resolution—

Resolved by the General Assembly of Alabama, That the thanks of the General Assembly be and are hereby tendered to the clergy of the city of Montgomery for their voluntary services in opening the daily proceedings of the General Assembly with prayer, during the present session.

Mr. Little offered the following resolution, which was adopted—

Resolved by the Senate, That the auditor be authorized to draw his warrant on the treasurer, in the sum of twenty dollars, for three and one-half day's services, in favor of J. L. Brown as clerk of the select committee on contingent fund.

Mr. Inzer, from the Committee on Privileges and Elections, reported favorably to the House bill—

H. B. 251. For the relief of James Harrison, late sheriff of Marengo county ;

Which was read the third time, under a suspension of the constitutional rule, and passed.

Mr. Hamilton, from the Judiciary Committee, reported favorably to the bill—

S. B. 687. To license and regulate the keeping of inns and hotels, and in reference to houses of entertainment for boarders and transient persons ;

Which was read the third time, under a suspension of the constitutional rule, and passed.

On motion of Mr. Harris of Russell, the House bill was taken from the table—

H. B. 730. To change the name of an election precinct in Russell county;

The constitutional rule was suspended, the bill read the third time and passed.

Mr. Inzer, from the Committee on Privileges and Elections, reported favorably to the House bill—

H. B. 114. To create a lien in favor of the owners of stallions and jacks for the amount of the season for such stallion or jack.

Which was read the third time, under a suspension of the constitutional rule, and passed.

On motion of Mr. Martin of Tuscaloosa, at a quarter before 4 o'clock the Senate adjourned.

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SATURDAY, March 20, 1875.

The Senate met pursuant to adjournment.

Prayer by Rev. Dr. Andrews.

Present :

Messrs. Black, Cobb, Cooper, Cunningham, Curtis, Dereen, Driesbach, Edwards, Golson, Green, Hamilton, Harris of Lee, Inzer, Leftwich, Little, Martin of Conecuh, Martin of Tuscaloosa, Parks, Robinson and Snodgrass—20.

The journal of yesterday was read and approved.

The House bills—

H. B. 393. To make persons inelligible to office under the laws of this State, who hold any office of profit or trust under the laws and government of the United States.

H. B. 652. To repeal an act to prevent the hiring out of convicts beyond the limits of the county in which they are convicted, approved April 10, 1873 ;

Were severally read the third time and passed.

On motion of Mr. Hamilton, all bills passed, or to be passed, by the Senate, were ordered to be sent forthwith to the House.

#### MESSAGE FROM THE GOVERNOR,

By his Private Secretary.

STATE OF ALABAMA,  
EXECUTIVE DEPARTMENT,  
Montgomery, March 20, 1875.

Mr. President :

I am directed by the Governor to communicate to the Senate a message in writing.

Very respectfully,

L. R. DAVIS,  
Private Secretary.

Gentlemen of the General Assembly :

From an examination of the legislative proceedings on yesterday, I find that the bill suspending the census law, and the bill requiring the treasurer to mark or stamp out the interest on funding obligations for the next succeeding period for paying interest on them before he pays them out have not passed the two Houses.

Taking the census, in my judgment, has been rendered unnecessary by the bill for a call of a State Convention. In the event a Convention shall form a proper Constitution, it may, and will at the same time, apportion the representation in the Senate and House of Representatives. Such has heretofore been the practice in this State. Besides, the census, if taken, will not be ready for the Convention, and the cost of its taking will be, as I think, an unnecessary expenditure of money, while the amount thus saved, if the law shall be suspended, will defray the most if not all of the expenses of the Convention.

The bill referred to in relation to interest on funding obligations would save to the State several thousand dollars, and

to no extent injure those obligations ; it would only apply to such of them as come into and are paid out of the treasury of the State ; would not deface the bills, and I feel confident it would be a saving to the State and the people, which is much needed to both. You will observe that the bill does not in any way interfere with such obligations as are or may be held by parties as an investment for the interest. On the contrary, it enables the State more certainly to meet and pay interest on those so held. It is or should be the desire of all to encourage and protect, as far as practicable, investments made in these obligations, and by stamping out interest as proposed in the bill referred in, it may, and I think will, dispose holders of them, who can do so, to retain them as a permanent investment for the interest, knowing that they can make no investments in bonds or stocks more safe or advantageous.

I trust you may agree with me and pass those bills before your adjournment.

Respectfully,

GEO. S. HOUSTON,  
Governor.

#### MESSAGE FROM THE HOUSE,

By Mr. Whitman—

#### HOUSE OF REPRESENTATIVES, March 20, 1875.

Mr. President :

The House has passed the following Senate bills—

S. B. 733. To relieve guardians from giving bond and security in certain cases.

S. B. 717. To fix the compensation of the members of the court of county commissioners of Hale county.

S. B. 745. For the relief of F. S. Ulmer, tax collector of Choctaw county.

S. B. 698. To allow principals to give testimony on behalf of their sureties.

S. B. 527½. To amend an act to constitute the purchasers of any railroad hereafter sold under authority of any law of this State, a body corporate and politic, approved December 17, 1873, and to declare the meaning and intendment of the word purchaser, as used therein.

S. B. 746. To burn notes and papers herein named.

And has amended as therein shown and passed Senate bill—

S. B. 461. To provide for the payment of such person or

persons as may establish their right to compensation for services about selecting and securing title to the State of Alabama of swamp and overflowed lands, and to permit the further prosecution of the suit now pending for that purpose under a special act of the General Assembly.

And has concurred in the Senate amendments to the following bills :

H. B. 697. To relieve the county of Montgomery from payment of coats in proceedings against defaulting jurors and witnesses.

H. B. 724. To prohibit the keeping, selling or giving away of spirituous, vinous or intoxicating liquors, in and within two miles of Rehoboth, Wilcox county.

H. B. 113. To separate the counties of Marengo and Hale from the Western Chancery Division, and annex the same to the Middle Chancery Division, and to provide for the holding of courts therein.

The House has originated and passed the following bills :

H. B. 95. To prohibit the sale, giving away or otherwise disposing of spirituous, vinous or malt liquors, within three miles of the Baptist and Methodist Churches in the town of Pine Level, Montgomery county.

And has appointed the following Committee to confer with the Senate Committee in the matter of fixing a time for the adjournment of the General Assembly :

Messrs, Price, Greene of Lee, Holloway, Clements and Woolf.

And has passed Senate bill—

S. B. 613. To protect the State in the matter of the franchises and property of the Alabama and Chattanooga Railroad Company, and of the lands donated to the State for and on account of the railroad of that company by acts of Congress, and to authorize the present Governor to sell and dispose of the same or any part thereof.

ELLIS PHELAN,  
Clerk.

#### ENROLLED BILLS.

Mr. Dereen, from the Committee on Enrolled Bills, reported the following as correctly enrolled :

S. B. 698. To allow principals to give testimony on behalf of their sureties.

S. B. 746. To burn notes and papers therein named.

S. B. 745. For the relief of F. S. Ulmer, tax collector of Choctaw county.



S. B. 641. To protect the State in the payment of interest on its obligations.

S. B. 733. To relieve guardians from giving bond and security in certain cases.

S. B. 717. To fix the compensation of the members of the court of county commissioners of Hale county.

S. B. 586. To amend an act further to amend an act to incorporate the South and North Alabama Railroad Company.

S. B. 613. To protect the State in the matter of the franchise and property of the Alabama and Chattanooga Railroad Company, and of lands donated to the State for and on account of the railroad of that company, by acts of Congress ; and to authorize the present Governor to sell and dispose of the same or any part thereof.

S. B. 728. To fix the time of meeting of the next General Assembly.

#### MESSAGE FROM THE GOVERNOR,

By his Private Secretary :

STATE OF ALABAMA,  
EXECUTIVE DEPARTMENT,  
MONTGOMERY, March 20, 1875.

Mr. President :

The Governor has approved the following bills originating in the Senate :

S. B. 719. An act to authorize and require the tax collector of Elmore county to receive certain claims against said county in payment of county taxes.

S. B. 739. An act to authorize the Governor to appoint commissioners to represent Alabama in the Centennial Exposition.

S. B. 497. An act to provide for the payment of the expenses in the execution of the educational system of this State.

S. B. 729. An act to extend the time for taxing out licenses for the current year in this State.

S. B. 746. An act to burn notes and papers herein named.

S. B. 527½. An act to constitute the purchasers of any railroad hereafter sold under authority of any law of this State, a body, corporate and politic, approved 17th December, 1873 ; and to declare the receiving and intendment of the word " purchaser," as used therein.

S. B. 745. An act for the relief of F. S. Ulmer, tax collector of Choctaw county.

S. B. 543. An act to prohibit the sale of vinous, spirituous and intoxicating liquors within five miles of the following named churches in Cherokee county, viz : Bethel Church, Mount Pleasant Church, Mountain Spring Church, Coronel Church and Cedar Bluff Church.

S. B. 730. An act to authorize appeals to the supreme court in certain cases.

S. B. 604. An act to amend sections one, two and eleven of an act to incorporate the town of Gilmer, in Lawrence county.

S. B. 694. An act to authorize the court of county commissioners of Barbour county, to compromise and settle the indebtedness of said county, issued in payment of stock subscribed by said county to the Vicksburg & Brunswick Railroad Company.

S. B. 734. An act to encourage the production of native wines.

S. B. 641. An act to protect the State in the payment of interest on its obligations.

Respectfully,

L. R. DAVIS,  
Private Secretary.

Mr. Driesbach, from the Committee on the Penitentiary, reported favorably to the House bill—

H. B. 670. To refund to Josiah Morris & Co., money advanced by them to M. G. Moore, late commissioner to settle claims of the Penitentiary, and used to meet current expenses ;

Which was read the third time, under a suspension of the constitutional rule and passed.

Mr. Cooper, from the Select Committee, reported favorably to the bill—

S. B. 646. To prevent the wanton destruction of fish in this State ;

Which was read the third time, under a suspension of the constitutional rule and passed.

Mr. Moore, from the select committee, reported favorably, with an amendment, to the bill—

S. B. 332. For the relief of P. Phillips.

The amendment was adopted, the constitutional rule suspended, the bill read the third time, and passed.

The House bill—

H. B. 95. To prohibit the sale, giving away or otherwise disposing of spirituous, vinous or malt liquors within three

miles of the Baptist and Methodist churches, in the town of Pine Level, in Montgomery county ;

Was read the first and second times, under a suspension of the constitutional rule.

Mr. Farden moved to refer the bill to the Committee on Privileges and Elections.

Lost.

On motion of Mr. Parks, the constitutional rule was suspended to give the bill a third reading forthwith. Yeas 19—nays 4.

Those who voted in the affirmative are—

Messrs. Cobb, Cooper, Curtis, Dereen, Driesbach, Edwards, Grayson, Green, Hamilton, Harris of Lee, Inzer, Leftwich, Little, Martin of Tuscaloosa, Moore, Parks, Royal, Snodgrass and Terrell—19.

Those who voted in the negative are—

Messrs. Black, Golson, Jones and Martin of Conecuh—4.

The bill was read the third time and passed.

On motion of Mr. Snodgrass, the votes by which the bill passed and was ordered to a third reading, were reconsidered.

The question recurring on the motion to suspend the constitutional rule, it was lost. Yeas 20—nays 7.

Those who voted in the affirmative are—

Messrs. Cobb, Cooper, Cunningham, Curtis, Driesbach, Edwards, Grayson, Green, Hamilton, Harris of Lee, Inzer, Leftwich, Little, Martin of Tuscaloosa, Moore, Parks, Robinson, Royal, Snodgrass and Terrell—20.

Those who voted in the negative are—

Messrs. Black, Dereen, Farden, Glass, Golson, Jones and Martin of Conecuh—7.

On motion of Mr. Parks, the bill was ordered to a third reading, and made the special order for Monday.

On motion of Mr. Martin of Conecuh, the House bill was taken from the table—

H. B. 580. To make the failure of any person liable and legally notified to work on the public roads of this State, a misdemeanor.

On motion of Mr. Farden, it was indefinitely postponed. Yeas 19—nays 5.

Those who voted in the affirmative are—

Messrs. Black, Cobb, Cooper, Curtis, Dereen, Driesbach, Edwards, Farden, Glass, Golson, Green, Hamilton, Inzer, Jones, Leftwich, Martin of Tuscaloosa, Moore, Royal and Snodgrass—19.

Those who voted in the negative are—

Messrs. Harris of Lee, Little, Martin of Conecuh, Parks and Robinson—6.

The Senate concurred in the House amendments to the Senate bill—

S. B. 461. To provide for the payment of such person or persons as may establish their right to compensation for services about selecting and securing title to the State of Alabama of swamp and overflowed lands, and to permit the further prosecution of the suit now pending for that purpose under a special act of the General Assembly.

On motion of Mr. Little the House bill was taken from the table—

H. B. 589. To change the name of S. St. John Murrell.

The constitutional rule was suspended, the bill read a third time. Mr. Hamilton, from the Judiciary Committee, reported a substitute for the bill—

S. B. 695. To provide for the coroners in this State.

The substitute was adopted, the constitutional rule suspended, the bill read the third time and passed.

#### MESSAGE FROM THE GOVERNOR,

By his Private Secretary :

STATE OF ALABAMA,  
EXECUTIVE DEPARTMENT,  
MONTGOMERY, March 19, 1875.

Mr. President :

The Governor has approved the following bills originating in the Senate :

S. B. 518. An act for the relief of certain persons therein named.

S. B. 373. An act to provide for the collection of certain taxes therein named.

S. B. 254. An act to provide for the calling of a constitutional convention to revise and amend the constitution of this State.

S. B. 529. An act to revise and amend an act to keep in each county of the State a proportionate share of the public school money, approved April 19th, 1873.

S. B. 674. An act to authorize the publication of the laws of a general character passed at the present session of the General Assembly.

Respectfully,

L. R. DAVIS,  
Private Secretary.

## ENROLLED BILLS.

Mr. Dereen, from the Committee on Enrolled Bills, reported the following correctly enrolled :

S. B. 604. To amend section one, two and eleven of an act to incorporate the town of Hillsboro, in Lawrence county.

S. B. 694. To authorize the county commissioners of Barbour county to compromise and settle the bonded indebtedness of said county.

S. B. 734. To encourage the production of native wines.

S. B. 719. To authorize and require the tax collector of Elmore county to receive certain claims against said county in payment of county taxes.

S. B. 729. To extend the time for taking out licenses for the current year in this State.

S. B. 730. To authorize appeals to the supreme court in certain cases.

S. B. 737. To pay N. W. Green, inspector of the penitentiary.

S. B. 497. To provide for the payment of the expenses in the execution of the educational system of this State.

8. B. 739. To authorize the Governor to appoint commissioners to represent Alabama in the Centennial Exposition.

S. B. 543. To prohibit the sale of vinous, spirituous and intoxicating liquors within five miles of the following churches in Cherokee county, viz : Bethel church, Mt. Pleasant church, Mountain Spring church, Cornel church and Cedar Bluff churches.

S. B. 527½. To amend an act to constitute the purchasers of any railroad hereafter sold under authority of any law of this State, a body corporate and politic, and to declare the meaning and intendment of the word "purchasers" as used therein.

S. B. 680. To amend an act to incorporate the Montgomery South Plank Road Company.

Mr. Cunningham, from the Committee on Finance, reported favorably to the bill—

S. B. 493. To repeal all special acts to regulate the fees and compensation of the judge of probate of Montgomery county ;

Which was read the third time, under a suspension of the constitutional rule, and passed.

Mr. Martin of Tuscaloosa, returned the bill—

S. B. 591. To empower and require the judges of probate to have precinct lines in the several counties in this State marked out.

On motion of Mr. Robinson, it was laid on the table.

Yeas 14, nays 7.

Those who voted in the affirmative are—

Messrs. Cobb, Cunningham, Driesbach, Edwards, Harris of Lee, Inzer, Little, Martin of Conecuh, Martin of Tuscaloosa, Moore, Parks, Robinson, Snodgrass and Terrell—14.

Those who voted in the negative are—

Messrs. Black, Cooper, Curtis, Dereen, Golson, Green and Royal—7.

Mr. Cobb offered the following resolution, which was adopted :

Resolved, That the president and secretary of the Senate be authorized to certify to the account of T. L. Mount for services performed under the "joint resolution in relation to numbering and keeping a correct docket of all bills and joint resolutions which may be offered in each House of the General Assembly, and a list of all committees appointed," which joint resolution was adopted by the Senate on the 13th of January, and by the House on the 26th of January, 1875.

Mr. Cunningham offered the following resolution, which was adopted:

Resolved, That Charles Fagan be allowed four dollars per day as door keeper in the gallery.

On motion of Mr. Inzer, the reports of the committees —

To examine the offices of auditor and treasurer,

To inquire into and investigate how the contingent fund has been disposed of, and into any irregularity in the disposition of moneys by any of the departments of the State government for the past two years;

Were severally adopted.

Mr. Inzer also called attention to a typographical error, making the currency on hand of swamp land fund \$331.00 instead of three dollars and thirty-one cents.

Mr. Inzer, from the select committee, reported a substitute for the bill—

S. B. 742. For the relief of the Mobile & Alabama Grand Truck Railroad Company ;

The substitute was adopted, the bill read a third time, under a suspension of the constitutional rule, and passed.

Mr. Martin of Tuscaloosa, from the Committee on Local Legislation, reported favorably to the House bill—

H. B. 24. To amend an act entitled an act to protect owners of stock on the line of railroads in this State, approved April 23, 1873.

On motion of Mr. Grayson, it was ordered to a third read-

ing and made the special order after reading the journal on to-morrow.

On motion of Mr. Hamilton, the Senate proceeded to the consideration of the bill—

S. B. 644. To cancel the interest upon the re-issue of State obligations.

The question being the motion to reconsider the vote by which it was laid on the table, the motion prevailed, the constitutional rule was suspended, the bill read the third time and passed.

Mr. Martin of Tuscaloosa, moved to reconsider the vote by which the bill passed, and moved to lay that motion on the table.

The motion prevailed.

Mr. Martin of Tuscaloosa, from the Committee on Local Legislation, reported favorably to the bill—

S. B. 394. To authorize John A. Houser, of Autauga county, to practice medicine and charge for his services ;

Which was read a third time, under a suspension of the constitutional rule, and passed.

Mr. Robinson, from the same committee, reported favorably to the House bill—

H. B. 442. To declare Pea river, between Russell's and Winslow's bridges, in Coffee county, a lawful fence ;

Which was read a third time, under a suspension of the constitutional rule, and passed.

Mr. Dereen, from the same committee, reported favorably to the House bill—

H. B. 322. For the relief of Isabella M. Winston, of Madison county ;

Which was read a third time, under a suspension of the constitutional rule, and passed.

Yeas 12, nays 7.

Those who voted in the affirmative are—

Messrs. Black, Curtis, Dereen, Green, Inzer, Jones, Little, Moore, Robinson, Royal, Snodgrass and Terrell —12.

Those who voted in the negative are—

Messrs. Cobb, Driesbach, Edwards, Hamilton, Leftwich, Martin of Conecuh and Martin of Tuscaloosa—7.

Mr. Hamilton, from the Judiciary Committee, reported favorably to the bills—

S. B. 245. To confer jurisdiction upon the probate courts of this State to make and compel certain settlements therein mentioned.

H. B. 73. To repeal an act to amend sections 4377 and

4390 of the Revised Code of Alabama, approved October 10, 1868.

H B. 108. To amend section 3613 of the Revised Code.

H. B. 184½. To authorize the filing and recording of certain deeds of conveyance therein named in the office of the probate courts of this State.

H. B. 368. To exempt from levy and sale court houses, jails and poor houses in this State.

H. B. 394. To amend subdivision three of section 1985 of the Revised Code.

H. B. 615. To aid in the collection of debts by garnishment ;

Which were severally read the third time, under a suspension of the constitutional rule, and passed.

#### MESSAGE FROM THE HOUSE,

By Mr. Whitman—

HOUSE OF REPRESENTATIVES,  
March 20, 1875.

Mr. President :

The House recedes from its action refusing to concur in the Senate amendment to the bill—

H. B. 624. To provide for the liquidation of the debts due by the penitentiary and State farm,

And concurs in Senate amendment thereto.

The House has passed Senate bill, with amendment—

S. B. 728. To fix the time of the meeting of the next General Assembly.

The House has passed Senate bill—

S. B. 742. For the relief of the Mobile & Alabama Grand Trunk Railroad Company.

ELLIS PHELAN,  
Clerk.

The Senate concurred in the House amendments to the Senate bill :

S. B. 728. To fix the time of the meeting of the next General Assembly.

#### MESSAGE FROM THE HOUSE,

By Mr. Garrett—

HOUSE OF REPRESENTATIVES,  
March 20, 1875.

Mr. President :

The House has passed Senate bills—



S. B. 735. To provide for the printing of fifty thousand copies of the report of the joint committee in regard to the amendment of the constitution, and an act to provide for the calling of a convention to revise and amend the Constitution of this State.

S. B. 644. To cancel the interest upon the re-issue of State obligations.

ELLIS PHELAN,  
Clerk.

MESSAGE FROM THE GOVERNOR,

By his Private Secretary.

STATE OF ALABAMA,  
EXECUTIVE DEPARTMENT,  
Montgomery, March 20, 1875.

Mr. President :

The Governor has approved the following bill, which originated in the Senate :

S. B. 680. An act to amend an act to incorporate the Montgomery South Plank Road Company.

Respectfully,

L. R. DAVIS,  
Private Secretary.

Mr. Martin of Tuscaloosa, from the Committee on Local Legislation, returned the bill—

S. B. 72. For the relief of Robert Parker, late coroner of the county of Montgomery.

Mr. Farden moved to suspend the constitutional rule to give the bill a third reading ;

Lost.

On motion of Mr. Farden, the bill was ordered to a third reading and made the special order for Monday 12 o'clock, m.

Mr. Inzer, from the Committee on Privileges and Elections, reported a substitute for the bills—

S. B. 253. To authorize Archibald Smith of Clarke county, to peddle without license.

S. B. 267. For the relief of Charles H. Hollingsworth of Limestone county, and William McKeag of Colbert county.

S. B. 448. For the relief of J. M. Quinley of Montgomery county.

The caption of the substitute is—

S. B. 253. For the relief of maimed and crippled persons in this State.

The substitute was adopted, the constitutional role suspended, the bill read the third time and passed.

Mr. Inzer, from the Committee on Internal Improvements, reported favorably to the bill—

S. B. 483. For the protection of fish in private ponds and reservoirs.

Mr. Farden moved to amend by excepting any pond located in an uninclosed field from the provisions of the act ;

Lost.

Mr. Cobb offered the following amendment, which was adopted : "Provided further, That it is the intent and meaning of this act, that it shall only include private ponds kept for raising or culture of fish."

The constitutional rule was suspended, the bill read the third time and passed.

#### MESSAGE FROM THE GOVERNOR,

By his Private Secretary ;

STATE OF ALABAMA,  
EXECUTIVE DEPARTMENT,  
MONTGOMERY, March 20, 1875.

Mr. President :

The Governor has approved the following bills originating in the Senate :

S. B. 717. To fix the compensation of the members of the court of county commissioners of Hale county.

S. B. 613. To protect the State in the matter of the franchises and property of the Alabama and Chattanooga Railroad Company, and of the lands donated to the State for and on account of the railroad of that company by acts of Congress, and to authorize the present Governor to sell and dispose of the same or any part thereof.

S. B. 733. To relieve guardians from giving bond and security in certain cases.

S. B. 586. To amend an act further to amend an act to incorporate the South and North Alabama Railroad Company, approved Feb. 17, 1874 ; approved Aug. 6, 1868.

S. B. 728. To fix the time of meeting of the next General Assembly.

S. B. 698. To allow principals to give testimony on behalf of their sureties.

Respectfully,

L. R. DAVIS,  
Private Secretary.

On motion of Mr. Parks, at half past two o'clock, the Senate took a recess till half past four o'clock.

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AFTERNOON SESSION.

The Senate was called to order by the President.

Mr. Hamilton, from the Judiciary Committee, reported favorably to the bill—

S. B. 360. To amend section 2338 of the Revised Code ;

Which was read a third time, under a suspension of the constitutional rule, and passed.

MESSAGE FROM THE HOUSE,

By Mr. Whitman—

HOUSE OF REPRESENTATIVES,

March 20, 1875.

Mr. President :

The House has adopted the joint resolution :

Resolved, by the House of Representatives, the Senate concurring, That if the session is extended beyond to-day, no per diem of members shall be allowed for the remainder of the session.

And has originated and passed bill—

H. B. ——. To execute the power of disposal of the lands granted by an act of Congress to aid in the construction of the Mobile and Girard Railroad.

At his own request Mr. Bruce has been excused from serving on the joint committee to prepare and report at the next session of the General Assembly a system of revenue laws, and Mr. Brewer added in his place.

The House has originated and passed the following bill :

H. B. 722. Providing for the payment of witnesses who testified before certain committees of the House.

The House has amended, as therein shown, and passed Senate bill—

S. B. 572. To regulate the publication of tax assessors and tax collectors in this State.

ELLIS PHELAN

Clerk.

ENROLLED BILLS.

Mr. Dereen, from the Committee on Enrolled Bills, reported the following as correctly enrolled :

S. R. 735. Joint resolution to provide for the printing of fifty thousand copies of the report of the joint committee in regard to the amendment to the constitution, and an act to provide for the calling of a convention to revise and amend the constitution of this State.

S. B. 742. For the relief of the Mobile and Alabama Grand Trunk Railroad Company.

S. B. 644. To cancel the interest upon the re-issue of State obligations.

MESSAGE FROM THE GOVERNOR,

By his Private Secretary.

STATE OF ALABAMA,  
EXECUTIVE DEPARTMENT,  
Montgomery, March 20, 1875.

Mr. President :

The Governor has approved the following bills originating in the Senate :

S. B. 644. An act to cancel the interest upon the re-issue of State obligations.

S. B. 735. Joint resolution to provide for the printing of fifty thousand copies of the report of the joint committee in regard to the amendment of the constitution, and an act to provide for the calling of a convention to revise and amend the constitution of this State.

S. B. 742. An act for the relief of the Mobile and Alabama Grand Trunk Railroad Company.

Respectfully,

L. R. DAVIS,  
Private Secretary.

The House joint resolution—

Depriving members of their per diem in the event of the continuance of the session beyond to-day,

Was taken up.

Mr. Dereen moved to amend by adding the following :

“ Provided, That the provisions of this resolution shall only apply to the members of the House of Representatives.”

Mr. Curtis moved to postpone till 11 o'clock to-morrow.

On motion of Mr. Robinson, the joint resolution and amendment were laid upon the table.

On motion of Mr. Martin of Tuscaloosa, at 6 o'clock, the Senate adjourned.

MONDAY, March 22, 1875.

The Senate met pursuant to adjournment.

On motion of Mr. Cobb, the Senate dispensed with the calling of the roll and the reading of the journal.

MESSAGE FROM THE HOUSE,

By Mr. Garrett.

HOUSE OF REPRESENTATIVES,  
March 22, 1875.

Mr. President :

The House has passed the Senate bill—

S. B. 687. To license and regulate the keeping of inns and hotels ; and in reference to houses of entertainment for boarders and transient persons.

S. R. 744. Joint resolution suspending the operations of an act entitled an act to provide for the taking of a census of the State of Alabama for the year 1876, approved March 1, 1875.

And has adopted the—

Senate joint resolution thanking the clergy of Montgomery.

The House has adopted the following joint resolution :

Resolved, by the House, the Senate concurring, That this General Assembly adjourn sine die at 1 o'clock, p. m., to-day.

And has passed Senate bill—

S. B. 566. To furnish water-pipes in the capital building.

ELLIS PHELAN,  
Clerk,

ENROLLED BILLS.

Mr. Dereen, from the Committee on Enrolled Bills, reported the following as correctly enrolled :

S. B. 461. To provide for the payment of such person or persons as may establish their right to compensation for services about selecting and securing title to the State of swamp and overflowed lands, and to permit the further prosecution of the suit now pending for that purpose under a special act of the General Assembly.

S. B. 744. Joint resolution suspending the operations of an act entitled an act to provide for the taking of the census of the State of Alabama for the year 1875.

S. B. 687. To license and regulate the keeping of inns and hotels, and in reference to houses of entertainment for boarders and transient persons.

S. B. 566. To furnish water pipes in the capitol building.

## MESSAGE FROM THE GOVERNOR,

By his Private Secretary.

STATE OF ALABAMA,  
EXECUTIVE DEPARTMENT,  
Montgomery, March 22, 1875.

Mr. President :

The Governor has approved the following bills originating in the Senate :

S. B. 461. To provide for the payment of such person or persons as may establish their right to compensation for services about selecting and securing title to the State of Alabama of swamp and overflowed lands, and to permit the further prosecution of the suit now pending for that purpose under a special act of the General Assembly.

S. R. 348½. Joint resolution, in relation to numbering and keeping a correct docket of all bills and joint resolutions which may be offered in each House of the General Assembly, and a list of all committees appointed.

S. B. 744. Joint resolution suspending the operation of an act entitled an act to provide for the taking of the census of the State of Alabama for the year 1875, approved March 1, 1875.

S. B. 687. An act to license and regulate the keeping of inns and hotels, and in reference to houses of entertainment for boarders and transient persons.

Very respectfully,

L. R. DAVIS,  
Private Secretary.

On motion of Mr. Cobb, the House joint resolution relative to adjourning the General Assembly sine die, at one o'clock, p. m., to-day,

Was concurred in, and the House notified forthwith.

On motion of Mr. Snodgrass, leave of absence was granted Messrs. Coleman, and Harris of Russell.

The House joint resolution—

H. B. 722. For the payment of certain witnesses who testified before certain committees of the House, and the expenses of said committees,

Was read the first, second and third times, under a suspension of the constitutional rule, and passed, and ordered to the House.

Mr. Little offered the following resolution, which was adopted :

Resolved, by the Senate, the House of Representatives concurring, That a joint committee be appointed to notify the Governor that the two Houses of the General Assembly had completed the business before them, and ascertain if he had any further communication to make to this General Assembly.

Messrs. Little, Inzer and Driesbach, were appointed the committee on the part of the Senate.

#### MESSAGE FROM THE GOVERNOR,

By his Private Secretary ;

STATE OF ALABAMA,  
EXECUTIVE DEPARTMENT,  
March 22, 1875.

Mr. President :

The Governor has approved the following bill, which originated in the Senate:

S. B. 566. To furnish water pipes in the capitol building.

Respectfully,

L. R. DAVIS,  
Private Secretary.

#### MESSAGE FROM THE HOUSE.

By Mr. Whitman—

HOUSE OF REPRESENTATIVES,  
March 22, 1875.

Mr. President :

The House has concurred in the Senate joint resolution appointing a joint committee to wait on the Governor and ascertain if he has any further communication to make to this General Assembly.

ELLIS PHELAN,  
Clerk.

Mr. Farden offered the following resolution, which was adopted—

Resolved, That the thanks of the Senate are tendered to the representatives of the press on this floor.

Mr. Cooper offered the following resolution, which was adopted—

Whereas, the contest of William Miller, Jr., for the seat of E. W. Martin as the Senator in the Senate of Alabama from the 31st District, was depending in that body from the 19th day of December, 1872, up to the 5th day of December, 1874, at which time the right of said E. W. Martin to said seat was decided in his favor :

And, whereas, the said E. W. Martin has at all times, since the date of said contest, been ready and willing to enter upon and discharge the duties of said office, and has claimed to exercise the duties thereof—

Therefore, be it resolved by the Senate, That in the opinion of this body the said E. W. Martin, Senator for the 31st District, is justly and legally entitled to his per diem as said Senator from the beginning of the present session of this General Assembly up to the 5th day of December, 1874—the time when he was declared by the vote of this Senate to be entitled to said office ; and the Lieutenant Governor and Secretary of the Senate are requested and hereby authorized to certify for said Martin a certificate for pay for the time herein specified.

On motion of Mr. Cobb, the Senate took a recess for ten minutes.

The Senate was called to order by the President.

Mr. Little, from the joint committee to wait upon the Governor, reported that his Excellency had no further communication to make.

Mr. Parks offered the following resolution, which was adopted—

Resolved, That the thanks of the Senate are due to the Honorable R. F. Ligon, the Lieutenant Governor and presiding officer, and to the President pro tempore, for the able, dignified and courteous manner in which they have discharged the duties of their office.

Also, to the Secretary, Assistant Secretary, Engrossing and Enrolling Clerk, and the other subordinate officers, for the diligent and efficient manner in which they have performed their respective duties.

The Lieutenant Governor, R. F. Ligon, President of the Senate, made a few appropriate remarks in response to the resolution of thanks, and declared the Senate adjourned sine die, at 1 o'clock, p. m., in accordance with the joint resolution of the two Houses, adopted to-day.

R. F. LIGON, Lieut. Governor,  
and President of the Senate.

Attest :

S. B. BREWER,  
Secretary of the Senate.



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